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General Assembly
Fifty-ninth session
Agenda item 148
Measures to eliminate international terrorism

Security Council
Sixtieth year

Letter dated 15 June 2005 from the Permanent Representative of Venezuela (Bolivarian Republic of) to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith important information concerning the case of the terrorist Luis Posada Carriles, who is currently in the territory of the United States of America (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the General Assembly, under agenda item 148, and of the Security Council.

(*Signed*) Fermín **Toro Jiménez**
Ambassador
Permanent Representative

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Annex to the letter dated 15 June 2005 from the Permanent Representative of Venezuela (Bolivarian Republic of) to the United Nations addressed to the Secretary-General

I

An act of terrorism that shocked the international community and the peoples of the world occurred in 1976, when a Cubana Airlines flight was blown up with explosives placed in one of the toilets of the plane, taking the lives of 73 athletes.

One of the principal authors of this terrorist act, Luis Clemente Posada Carriles, a Venezuelan national, was put on trial in Venezuela on charges of aggravated homicide, manufacture of weapons of war and betrayal of his country. In 1985, the aforementioned terrorist succeeded in escaping from the penitentiary in Venezuela where he was serving his sentence and was captured by Panamanian authorities in 2000 when he attempted to carry out another terrorist act against the President of the Republic of Cuba, Fidel Castro Ruz. He was sentenced to eight years in prison by the judicial authorities of Panama and subsequently pardoned by the then President of Panama, Mireya Moscoso.

In April 2005, the Bolivarian Republic of Venezuela, on the basis of intelligence information, denounced the possible presence of the terrorist Luis Clemente Posada Carriles in the territory of the United States of America. This report was denied at the time by the Assistant Secretary of State of the United States, Roger Noriega.

Since that time, there have been a number of developments in the territory of the United States that deserve comment. First, the attorney for the terrorist announced that Luis Clemente Posada Carriles had requested political asylum in the territory of the United States on the grounds of the services that he had provided to the United States for more than 40 years as a member of the Central Intelligence Agency (CIA) and of the United States armed forces. Secondly, after the above information was made public, complaints were received from various countries over the presence of the terrorist in the United States. The reports were again denied by White House spokespersons. Thirdly, on 17 May 2005, the United States immigration authorities detained the terrorist after the fugitive from Venezuelan justice made statements on television in the United States.

II

On 13 May 2005, the Government of the Bolivarian Republic of Venezuela, through its Embassy in Washington, in accordance with the provisions of Article XI of the Extradition Treaty concluded between Venezuela and the United States on 19 January 1922, requested in a diplomatic note the remand in custody of Luis Clemente Posada Carriles and, to that end, submitted the required documents to the Legal Office of the State Department responsible for extradition mattes, which is the competent agency to which such requests must be submitted. The petition for preventive measures had been originally submitted to the Ministry of Foreign Affairs of the Bolivarian Republic of Venezuela by Criminal Court No. 36 of First Instance of the Metropolitan Area of Caracas, in conformity with article 394 of the Organizational Code of Criminal Procedure, based on the request for extradition submitted by the above-mentioned Court to the Criminal Appeals Chamber of the Supreme Court of Justice on 27 April 2005. On 2 November 1976, the then Criminal

Court of First Instance of the Judicial Circuit of the Federal District and State of Miranda determined "the guilt and consequent criminal responsibility of Orlando Bosch and Luis Clemente Posada Carriles as co-authors of the sabotage of Cubana Airlines flight No. CU- 455". For this act, Luis Clemente Posada Carriles was found guilty of being co-author of the crimes of aggravated homicide, manufacture of weapons of war and betrayal of his country and was imprisoned in various penal institutions in Venezuela from 1976 until 18 August 1985. After several attempts, he escaped on the latter date from the General Penitentiary of Venezuela, thereby evading the legal process of serving the term of imprisonment to which he had been sentenced.

On 21 August 2001, the Fourth Transitional Court of Procedure of the Criminal Judicial Circuit of the Metropolitan Area of Caracas was informed of the detention of Posada Carriles by the Panamanian authorities on 17 November 2000 in the Coral Suites Hotel of Panama City for possession of explosives, and agreed to initiate before the Supreme Court of Justice the process to secure the extradition of the terrorist by the Government of Panama. The request was submitted by the Government of the Bolivarian Republic of Venezuela to the Government of Panama in January 2001 and was denied by the Government of Panama in its Executive Decision No. 6, dated 28 February 2002.

Luis Clemente Posada Carriles was subsequently pardoned by the President of the Republic of Panama on 26 August 2004.

Since the crimes of which he is accused are not subject to prescription, Office No. 33 of the Public Prosecutor of the Metropolitan Area of Caracas requested that Luis Clemente Posada Carriles be arrested as a direct collaborator in the commission of the crime of aggravated homicide, which is covered by and punishable under article 408 (1), pursuant to article 83 of the Penal Code, for betrayal of his country, which is covered by and punishable under article 464 (3) of the Code of Military Justice, and for the manufacture of arms. On 14 April 2005, the Thirty-Sixth Court of First Instance, which has responsibility for oversight of the Criminal Circuit Court of the Metropolitan Area of Caracas, agreed to issue a warrant for the arrest of Luis Posada Carriles, in conformity with the provisions of article 5 of the Organizational Code of Criminal Procedure, and of article 49, chapter III, of the Constitution of the Bolivarian Republic of Venezuela.

On 27 May 2005, the Department of State of the United States of America denied the request for remand in custody for the purpose of extradition of the Venezuelan terrorist Luis Clemente Posada Carriles. It alleged in this regard that there was insufficient information on the facts and circumstances of the participation of Luis Clemente Posada Carriles in the crimes for which he had been convicted and sentenced.

On 1 June, the Embassy of the Bolivarian Republic of Venezuela sent a note to the Department of State in reply to the latter's diplomatic note of 27 May 2005. The note confirmed the request of the Government of Venezuela for the remand in custody of the above-mentioned citizen and our Government's wish to stress that the request for remand in custody submitted by Venezuela was fully in compliance with the established requirements for extradition requests. However, in order to provide any additional details in connection with the request in question, we undertook to supply as soon as possible additional information from the competent authorities to

permit the aforementioned remand in custody of Luis Clemente Posada Carriles for the purpose of extradition.

On 2 June 2005, by diplomatic note, the Venezuelan Government renewed its request for remand in custody for the purpose of extradition, which was submitted on 13 May 2005, and expressed its willingness to collaborate with the United States authorities in order to provide a sufficient legal basis for proceeding with the requested action. All of this was based on the Extradition Treaty in force between our two countries, the seriousness of the crimes of which Luis Posada Carriles is accused, and the principle of reciprocity.

On 10 June 2005, the Embassy of the Bolivarian Republic of Venezuela, on behalf of the Venezuelan Government, submitted the following to the United States Department of State for the purpose of the remand in custody of Luis Clemente Posada Carriles:

Additional information from the Venezuelan judicial organs on the facts and circumstances that showed the active participation of the fugitive Venezuelan citizen Luis Clemente Posada Carriles in the crime of aggravated homicide in the terrorist bombing of the Cubana Airlines flight that took the lives of 73 people, including a pregnant woman. The documents provided include abundant evidence that Luis Clemente Posada Carriles was responsible for the bombing of the aircraft, which occurred on 6 October 1976.

Copy of documents that prove the following:

(a) That Luis Clemente Posada Carriles is a naturalized Venezuelan citizen, bearer of identity card No. V 5304069;

(b) The criminal charge against the accused for aggravated homicide;

(c) Evidence of his escape from prison;

(d) Warrant of arrest against the fugitive;

(e) Evidence that the alleged intellectual author of the crime is Luis Posada Carriles. Freddy Lugo and Hernán Ricardo have been declared the material authors by the Venezuelan judicial system;

(f) Testimony of Hernán Ricardo, in which he admits that he planted the C-4 bomb in the rear toilet of the plane after having boarded the plane in Caracas, and that he informed Posada Carriles of this, referring to the passengers as dead dogs;

(g) Testimony of Marinés Vega Urbina alleging that shortly after the bombing of the plane, she called Hernán Ricardo to ask him to call Luis Clemente Posada Carriles to tell him that they had successfully carried out the operation and that they needed his assistance urgently;

(h) Testimony of Freddy Lugo, confirming his participation in the sabotage of the plane and the urgent calls made to Posada Carriles shortly after the incident to request his assistance;

(i) Statement of Luis Clemente Posada Carriles, in which he admits the existence of a relationship with the material authors who were accomplices in the crime;

(j) Statements by the officials who investigated the crime in the island of Trinidad, indicating the guilt of the individuals accused of the terrorist act;

(k) Record of the case in Venezuela, which shows that after a legal trial in the military courts, the case was withdrawn on 24 March 1983 on the grounds that it was the wrong forum. The case was subsequently sent to the ordinary criminal courts where it was still pending when, just before the court's ruling on 18 August 1985, Luis Clemente Posada Carriles escaped from the prison of San Juan de los Morros, in the State of Guárico;

(l) Evidence that the crime has not been extinguished by prescription, since, in accordance with article 110 of the Criminal Code, when an individual who is sentenced to a term of imprisonment escapes from prison, the period of prescription is suspended until a new judicial proceeding is completed.

III

The Venezuelan Government has reiterated that the Venezuelan citizen Luis Clemente Posada Carriles is subject to a judicial proceeding in Venezuela which has been temporarily suspended as a result of his escape from the penitentiary in which he had been detained. To that end, the Government of Venezuela has reiterated its request for remand in custody for the purpose of extradition and has requested the cooperation of the United States authorities in preventing Luis Posada Carriles from escaping once more from the action of the courts. Cooperation is a fundamental tool in the fight against terrorism.

Lastly, the Government of the Bolivarian Republic of Venezuela has reiterated to the Government of the United States its duty to fulfil the obligations which it assumed under the Extradition Treaty in force between our two countries. Under this Treaty, the United States authorities are obliged to extradite the terrorist Luis Clemente Posada Carriles, pursuant to the relevant bilateral and multilateral treaties in force and to resolution 1373 (2001) of the Security Council. We reject out of hand any legal artifice by the United States authorities, including deportation to another country other than ours which may serve as a refuge for the terrorist and fugitive from Venezuelan justice, to evade compliance with the obligation to extradite by which the Government of the United States of America is bound.

In keeping with its firm commitment to the fight against terrorism, the Bolivarian Republic of Venezuela has ratified numerous multilateral and bilateral, general and regional agreements in this field. It is also drafting national laws against terrorism with a view to updating its domestic laws and bringing them into line with the international regime to combat terrorism. It has also undertaken recent actions to promote international cooperation at the national, bilateral, multilateral, general and regional levels against terrorism. Noteworthy among these actions are those being carried out by the Inter-American Committee against Terrorism (CICTE). It has also adopted national measures to ensure the timely exchange of information on the prevention of and fight against terrorism.

In conclusion, we urge Member States of the United Nations to resolutely continue the fight against terrorism and to avoid double standards. The terrorist Luis Clemente Posada Carriles must be extradited to Venezuelan territory to serve his sentence for the crime committed, in accordance with criminal law and under Venezuelan jurisdiction.

United Nations A/59/850

General Assembly

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Fifty-ninth session
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Follow-up to and implementation of the outcome of the International Conference on Financing for Development

Proposed organization of work of the High-level Dialogue on Financing for Development

Note by the Secretary-General

I. Introduction

1. The General Assembly, in its resolution 59/293 of 27 May 2005, requested the Secretary-General, inter alia, to prepare a note on the organization of work of the High-level Dialogue on Financing for Development. The present note is in response to that request.

2. The arrangements set out below have been formulated on the basis of the following:

(a) General Assembly resolution 59/145 of 17 December 2004, entitled "Modalities, format and organization of the High-level Plenary Meeting of the sixtieth session of the General Assembly";

(b) General Assembly resolution 59/225 of 22 December 2004, entitled "Follow-up to and implementation of the outcome of the International Conference on Financing for Development";

(c) General Assembly resolution 59/293 of 27 May 2005, entitled "Modalities for the High-level Dialogue on Financing for Development";

(d) Letter dated 3 June 2005 from the President of the General Assembly at its fifty-ninth session addressed to the permanent representatives of all States Members of the United Nations on the organization of the High-level Dialogue on Financing for Development.

II. Organizational arrangements

A. Dates and venue

3. The High-level Dialogue on Financing for Development, comprising a series of plenary and informal meetings and interactive multi-stakeholder round tables,

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will be held on Monday and Tuesday, 27 and 28 June 2005, at United Nations Headquarters in New York. The plenary meetings will be held in the General Assembly Hall. The informal interactive dialogue will be held in Conference Room 4. The venues of the multi-stakeholder round tables will be announced at a later stage. All scheduled meetings will be announced in the *Journal of the United Nations*.

B. Overall theme

4. The overall theme of the High-level Dialogue will be "The Monterrey Consensus: status of implementation and tasks ahead".

C. Schedule of meetings and organization of work

5. The High-level Dialogue will consist of a series of plenary and informal meetings to constitute a policy dialogue on the overall theme stated above and six interactive multi-stakeholder round tables on the themes based on the structure of the Monterrey Consensus of the International Conference on Financing for Development.[1] The proposed programme of the High-level Dialogue is contained in the annex to the present note.

D. Plenary meetings

6. The plenary meetings, chaired by the President of the General Assembly, will be held on Monday, 27 June 2005, from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. At these meetings, ministers and high-level officials attending the Dialogue will be able to make formal statements, on the understanding that the principle of precedence will be strictly applied, to allow participation at the ministerial level. Each oral statement will be limited to five minutes, on the understanding that this will not preclude the distribution of more extensive texts.

7. The plenary meeting on the morning of Monday, 27 June, will begin with the formal opening of the High-level Dialogue by the President of the General Assembly. At the opening the Assembly will be able to take up any remaining organizational matters. In addition, the Secretary-General of the United Nations, the President of the World Bank, the Managing Director of the International Monetary Fund and the Director-General of the World Trade Organization will be invited to make statements.

8. The next plenary meeting, which will be held on the afternoon of Monday, 27 June, will begin with the statements by the President of the Economic and Social Council, the Secretary-General of the United Nations Conference on Trade and Development and the Administrator of the United Nations Development Programme, as the Chairman of the United Nations Development Group.

9. A plenary meeting will be held on the afternoon of Tuesday, 28 June, immediately following the conclusion of the informal interactive dialogue (in Conference Room 4), in order to enable the President of the General Assembly to make a concluding statement and formally close the High-level Dialogue.

E. Multi-stakeholder round tables

10. On the morning of Tuesday, 28 June, six interactive multi-stakeholder round tables, divided into two sessions, each comprising three simultaneous round tables, will be held as outlined below.

11. The first set of three simultaneous round tables will be held on Tuesday, 28 June, from 10 a.m. to 11.30 a.m., on the following themes:

- Round table 1: *Mobilizing domestic financial resources for development*
- Round table 2: *Mobilizing international resources for development — foreign direct investment and other private flows*
- Round table 3: *International trade as an engine for development.*

12. The second set of three simultaneous round tables will be held on Tuesday, 28 June, from 11.30 a.m. to 1 p.m., on the following themes:

- Round table 4: *Increasing international financial and technical cooperation for development*
- Round table 5: *External debt*
- Round table 6: *Addressing systemic issues — .enhancing the coherence and consistency of the international monetary, financial and trading systems in support of development.*

13. Each round table will be chaired by two chairpersons to be appointed by the President of the General Assembly from among the ministers attending the High-level Dialogue, including those nominated by the regional groups. The President of the General Assembly may also invite heads of relevant institutional stakeholders to act as lead discussants in the round tables.

14. Each round table will be open to the participation of 35 representatives of Governments; seven representatives of observers, entities of the United Nations system and accredited institutional stakeholders; three representatives of accredited civil society organizations and three representatives of accredited business sector entities.

F. Informal interactive dialogue

15. The informal interactive dialogue, chaired by the President of the General Assembly, will be held on the afternoon of Tuesday, 28 June, in the form of an informal meeting with the participation of all relevant stakeholders. It will focus on the implementation of the results of the International Conference on Financing for Development and the link between financing for development and the achievement of the internationally agreed development goals, including those contained in the United Nations Millennium Declaration.[2] The heads or representatives of relevant organizations of the United Nations system, regional and international intergovernmental organs that participated in the International Conference on Financing for Development, as well as representatives of regional development banks, civil society and the business sector, will be able to intervene.

16. To provide for a free-flowing, interactive discussion, no list of speakers will be established. The President of the General Assembly will call upon participants, in the order in which they signify their desire to speak, on the understanding that the principle of precedence will be strictly applied, to allow participation at the ministerial level. The Chairpersons of the round tables and other participants may wish to refer to the outcomes of the discussions in the round tables. All participants will be invited to speak from their seats and will be strongly encouraged to avoid reading from written statements.

III. Participants

A. Member States and observers

17. The High-level Dialogue on Financing for Development, including the plenary and informal meetings, will be open to participation by Member States, the Holy See, in its capacity as Observer State, and Palestine, in its capacity as observer, as well as intergovernmental organizations having received a standing invitation to participate as observers in the sessions and work of the General Assembly, in accordance with the rules of procedure of the General Assembly.

18. The list of participants in the round tables will be established on a first-come, first-served basis. The maximum number of Member States participating in each round table shall not exceed 35. Each delegation may participate in only one round table.

19. Member States are encouraged to participate in the High-level Dialogue at the ministerial level. Each minister or head of delegation participating in the round tables may be accompanied by one advisor.

B. Institutional stakeholders

20. Other relevant intergovernmental organizations that were accredited to the International Conference on Financing for Development and its follow-up process, as well as relevant organizations of the United Nations system, may participate in the informal interactive dialogue and the multi-stakeholder round tables. Each round table will include seven representatives of observers, entities of the United Nations system and accredited intergovernmental organizations other than observers. Their distribution in the round tables will follow the practice established at the International Conference on Financing for Development.

C. Civil society and the business sector

21. Non-governmental organizations and business sector entities are invited to participate in the interactive round tables and informal meetings of the High-level Dialogue, in accordance with the rules of procedure of the General Assembly. Accreditation will be open to: (i) all non-governmental organizations that are in consultative status with the Economic and Social Council; and (ii) all non-governmental organizations and business sector entities that have been accredited to

the International Conference on Financing for Development and its follow-up process.

22. In addition, interested non-governmental organizations and business sector entities that are not in consultative status with the Economic and Social Council or were not accredited to the International Conference on Financing for Development or its follow-up process may apply to the General Assembly for accreditation following the accreditation procedure established during the International Conference.

23. Each round table will include three representatives of civil society and three representatives of the private sector. Their distribution in the round tables will follow the practice established at the International Conference on Financing for Development.

IV. Documentation

A. Pre-session documentation

24. The substantive documentation of the High-level Dialogue on Financing for Development will include the following:

(a) Report of the Secretary-General entitled "The Monterrey Consensus: status of implementation and tasks ahead" (A/59/822);

(b) Report of the Secretary-General on strengthening the role of the private sector and entrepreneurship in financing for development (A/59/800);

(c) Summary by the President of the Economic and Social Council of the special high-level meeting of the Council with the Bretton Woods institutions, the World Trade Organization and the United Nations Conference on Trade and Development (New York, 18 April 2005) (A/59/823-E/2005/69);

(d) Note by the Secretary-General entitled "Implementation of the Monterrey Consensus: a regional perspective" (A/59/826);

(e) Summary of the hearings with representatives of non-governmental organizations, civil society organizations and the private sector related to financing for development (A/59/__).

B. Post-session documentation

25. The President of the General Assembly will prepare a summary of the High-level Dialogue on Financing for Development, which will be issued as a document of the General Assembly and will provide an input on financing for development to the preparatory process of the High-level Plenary Meeting of the General Assembly to be held in September 2005.

C. Inputs from all relevant stakeholders

26. Background information for the High-level Dialogue on Financing for Development, including inputs received from all relevant stakeholders, will be

posted and updated, on a regular basis, on the website of the Financing for Development Office of the Department of Economic and Social Affairs of the United Nations Secretariat at www.un.org/esa/ffd.

V. Hearings with representatives of non-governmental organizations, civil society organizations and the private sector

27. The President of the General Assembly will preside over the informal interactive hearings with representatives of non-governmental organizations, civil society organizations and the private sector, to be held on Thursday and Friday, 23 and 24 June 2005, as an input to the preparatory process of the High-level Plenary Meeting of the General Assembly, to be held in September 2005. Issues related to financing for development will be discussed on the afternoon of Thursday, 23 June. The Secretariat will issue a summary of the hearings related to financing for development as an input to the High-level Dialogue. Background information on the hearings is available at www.un-ngls.org/GA-hearings.htm.

VI. Media coverage

28. A special information kit is being prepared by the Department of Public Information for journalists covering the High-level Dialogue on Financing for Development. In addition, the documents counter in the media area will provide all Dialogue documents, as well as press releases on its plenary meetings, round tables and other events. They will also be made available electronically at www.un.org/esa/ffd.

29. The plenary and informal meetings of the whole, as well as press conferences, will be broadcast live into the media area. A programme of special media briefings and press conferences will be announced.

VII. Side events

30. A series of special events, including briefings and panel discussions on issues related to financing for development, is being organized by Member States, organizations of the United Nations system ,and accredited institutional and non-institutional stakeholders for the participants in the High-level Dialogue. The calendar of those events will be made available at the Dialogue site and will also be posted at www.un.org/esa/ffd.

Notes

[1] *Report of the International Conference on financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[2] See General Assembly resolution 55/2.

Annex

Proposed programme of the High-level Dialogue on Financing for Development (United Nations Headquarters, 27 and 28 June 2005)

Monday, 27 June

Plenary meeting

10 a.m.-1 p.m.	Opening of the High-level Dialogue by the President of the General Assembly
	Organizational matters
	Statements by the Secretary-General of the United Nations, the President of the World Bank, the Managing Director of the International Monetary Fund and the Director-General of the World Trade Organization
	Statements by ministers and high-level officials

Plenary meeting

3-6 p.m.	Statements by the President of the Economic and Social Council, the Secretary-General of the United Nations Conference on Trade and Development and the Administrator of the United Nations Development Programme
	Statements by ministers and high-level officials

Tuesday, 28 June

Multi-stakeholder round tables

10-11.30 a.m.	Round table 1: Mobilizing domestic financial resources for development
	Round table 2: Mobilizing international resources for development — foreign direct investment and other private flows
	Round table 3: International trade as an engine for development
11.30 a.m.-1 p.m.	Round table 4: Increasing international financial and technical cooperation for development
	Round table 5: External debt
	Round table 6: Addressing systemic issues — enhancing the coherence and consistency of the international monetary, financial and trading systems in support of development

Informal interactive dialogue

3-5.45 p.m.	Policy dialogue with the participation of all relevant stakeholders on the implementation of the results of the International Conference on Financing for Development and the link between financing for development and the achievement of the internationally agreed development goals, including those contained in the United Nations Millennium Declaration

Plenary meeting

5.45-6 p.m.	Concluding statement by the President of the General Assembly Closing of the High-level Dialogue

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Fifty-ninth session
Agenda item 163
The situation in the occupied territories of Azerbaijan

Security Council
Sixtieth year

Letter dated 16 June 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement by the Ministry for Foreign Affairs of Azerbaijan on the so-called "parliamentary elections" of the separatist regime in the occupied Nagorno Karabakh region of the Republic of Azerbaijan to be held on 19 June 2005.

I should be grateful if the present letter and its annex were urgently distributed as a document of the General Assembly, under agenda item 163, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

05-39021 (E) 200605

Annex to the letter dated 16 June 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Original: English and Russian]

Statement by the Ministry for Foreign Affairs of Azerbaijan

According to the information disseminated by Armenian media, so-called "parliamentary elections" of the separatist regime in the occupied Nagorno Karabakh region of the Republic of Azerbaijan are to be held on 19 June 2005.

The Azerbaijan side has repeatedly given principal legal assessments of such provocative actions and states again that attempts to impose the fait accompli have no prospects.

Holding "elections" in the conditions of territorial seizure and ethnic cleansings contradicts the norms and principles of international law and the Constitution of the Republic of Azerbaijan and has no legal effect.

Such actions undertaken by the Armenian side do not comply with the spirit of negotiations, in the framework of which positive hopes have been strengthened recently.

Sustainable peace cannot be achieved without normalization of life and ensuring peaceful coexistence and cooperation of the Azerbaijani and Armenian communities of the Nagorno Karabakh region of the Republic of Azerbaijan. In this regard, the Azerbaijani side supports calls of the international community vis-à-vis setting up direct contacts between the communities and carrying out comprehensive confidence-building measures with a view to overcoming hostility and achieving stability and mutual understanding. Such an inter-community dialogue will contribute to establishing relations between Nagorno Karabakh Armenians and to the Azerbaijan population of this region returning to their permanent places of residence, and will create necessary prerequisites for involving all parts of the region's population in a lawful, peaceful and democratic process, including also the formation of legitimate regional authorities at all levels.

14 June 2005

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Agenda items 43, 45 and 55

Follow-up to the outcome of the twenty-sixth special session: implementation of the Declaration of Commitment on HIV/AIDS

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

High-level Meeting of the General Assembly on HIV/AIDS

Note by the President of the General Assembly

The President of the General Assembly has the honour to transmit the summaries of the discussions of the five round tables of the High-level Meeting of the General Assembly to review the progress achieved in realizing the commitments set out in the Declaration of Commitment on HIV/AIDS, pursuant to General Assembly resolution 58/313, paragraphs 2 and 3 (j).

05-39174 (E) 120705

Summary

The present document reflects the summaries of the round-table discussions of the High-level Meeting of the General Assembly, as presented to the President of the General Assembly by the Chairpersons of the five round tables.

The Meeting was held in New York on 2 June 2005.

Summary of the discussions of the round table on resources[1]

(Chaired by Mr. Jean-Louis Schiltz, Minister of Cooperation and Humanitarian Action of Luxembourg)

1. Total HIV/AIDS funds available for the AIDS response in developing countries grew from an estimated $300 million in 1996 to $6.1 billion in 2004, a figure which includes domestic funding by developing countries of $2 billion. As a result, there are now raised expectations among donors, affected countries and the people living with HIV/AIDS that the quality and quantity of prevention, care and treatment services would increase dramatically. Yet, in some countries, limitations in human resources and infrastructure have hampered the scaling up of services for their AIDS response. Those challenges must be addressed in parallel with the imperative to continue to increase the resources available. One of the most pressing needs is to deal with the human capacity crisis. That requires addressing the barriers which prevent the building of stronger capacity in the health and other sectors, stemming the drain of skilled manpower from public service into non-governmental organizations and the private sector as well as from poor to rich countries and reducing the urban-rural bias in the provision of services. The effectiveness of future funding increases for AIDS will depend, in large part, on the capacity of recipient countries to make effective use of these resources.

2. Assuming that current trends in resource availability are maintained, significant additional funding of several billion United States dollars will be needed over the period from 2005 to 2007. National and personal contributions may have little room for further expansion, and donor nations will therefore need to increase their commitments if an effective response to the AIDS epidemic is to be mounted.

Key findings

3. **It is critical to ensure that increased funds are available and they address defined financing gaps. This increased funding must come from a range of sources, particularly international donors, domestic resources, the private sector, and from donations from the general population. Each country will require a different mix of funding sources to address national circumstances, needs and priorities. It should be noted that international funds derive from increases of official development assistance (ODA) and from developing other innovative financing mechanisms.**

4. **Donor contributions must be quickly made available, be sustainable and predictable. These commitments must be firm and it is essential that there is follow-up to ensure that they are disbursed effectively.**

5. **Funding for HIV and AIDS must be provided through a number of channels, in particular bilateral and multilateral. Multilateral HIV/AIDS-focused organizations must be adequately funded, specifically the Global Fund and the coordinated UNAIDS programme.**

6. **Funds must be available for prevention, in particular sexual and reproductive health services, treatment, care and research. Funds should target**

[1] Convened by the Joint United Nations Programme on HIV/AIDS, the World Bank and the Global Fund to Fight AIDS, Tuberculosis and Malaria.

the poorest countries in the most heavily affected regions — specifically Africa, but also the Caribbean, Asia, and Eastern Europe.

7. **It is essential to improve and build infrastructure and human capacity to meet national needs. It is necessary to identify and therefore to implement innovative mechanisms to address the human capacity gaps and the impact of the brain drain, of such workforces, which is both the migration of skilled workforces and the loss of human lives due to AIDS. In addressing these human capacity gaps, partnerships between countries and increased availability of training are essential elements.**

8. **Better coordination is needed which results in increased effectiveness. This will be achieved through full implementation of the "Three Ones" and the Paris Declaration. Also, where needed, reforms should be undertaken in the health and finance sectors.**

Summary of the discussions of the round table on prevention[2]

(Chaired by Ms. Anna Marzec-Boguslawska, Head of the National Centre for HIV/AIDS of Poland)

9. The Round Table on Prevention convened by UNFPA, UNESCO and UNODC, began with introductory remarks by the Chair, Anna Marzec-Boguslawska, Head of the National Centre for HIV/AIDS of Poland, and Thoraya Ahmed Obaid, Executive Director of UNFPA.

10. Delegates participating in the round table reaffirmed, in line with the Declaration of Commitment on HIV/AIDS: (a) that prevention is the mainstay of the response; (b) the need to address stigma and discrimination and socio-cultural issues as root causes of vulnerability to infection; and (c) the need to scale up efforts. Yet the increasing level of new infections send a clear message: current prevention efforts and implementation of prevention programmes are inadequate and it is imperative that we massively scale up and intensify prevention now, with all the necessary financial, institutional and human resources, to broaden coverage ensuring access to prevention information, education and services for all who need them with the ultimate goal of universal access to prevention and treatment. Delegates emphasized the importance of adequate resource mobilization and allocation to sustain prevention efforts.

11. Delegates highlighted that prevention must be the cornerstone of our response. An inclusive process of developing and implementing is essential and requires reaching out to people living with HIV/AIDS, young people, women and particularly young girls, and other vulnerable and key populations, including sex workers, injecting drug users, men who have sex with men, prison populations and mobile populations.

12. Several delegates stated that early prevention efforts targeted at children and young people form an important part of the response to the pandemic. The importance of truly listening to, and engaging with, young people, understanding

[2] Convened by the United Nations Population Fund, the United Nations Educational, Scientific and Cultural Organization, and the United Nations Office on Drugs and Crime.

and meeting their needs, and utilizing them as agents of change, is crucial to reverse the epidemic.

13. Several delegates noted that there remains a need to make in-roads on reducing stigma and discrimination towards those infected and affected to overcome this major barrier to effective prevention programmes.

14. Delegates further noted that prevention must be comprehensive and evidence informed and must provide also reliable and sufficient access to effective prevention commodities, such as male and female condoms and sterile injection equipment and substitution therapy. Current prevention coverage is inadequate. Focused prevention for and with vulnerable populations must be supported providing not only access to prevention, treatment and care services, but concurrently addressing the causes of their vulnerability, including social, cultural and economic factors.

15. Delegates highlighted that the impact of HIV/AIDS on women and girls demands especially bold efforts to eliminate the gender inequalities that put them at increased risk of HIV infection and further diminish their economic and social status. Prevention efforts must include improving women's and girls' access to education, gender-sensitive and appropriate interventions, ensuring equal access for women and girls to health care and services, promotion and protection of sexual and reproductive health and rights, protection from gender-based violence, and greater access to female-controlled prevention methods.

16. Delegates emphasized that full utilization must be made of existing opportunities and infrastructures to intensify prevention, including linking HIV/AIDS and sexual and reproductive health. Many delegates pointed out that universal access to sexual and reproductive health is essential to achieving the Millennium Development Goals. Emphasis was placed on the need to provide all people, including young people, with a full complement of tools to promote safer sexual behaviour and prevent HIV transmission. These include: skills-based sexual education in schools; behaviour change programmes; youth-friendly health services offering essential interventions for the prevention, diagnosis and treatment of sexually transmitted infections and HIV/AIDS; expanded access to affordable, voluntary and confidential counselling and testing; mass media interventions; and interventions to prevent HIV transmission through unsafe drug-injecting practices and services targeted to other vulnerable populations.

17. In addition, it was noted that encouragement should be given for widespread workplace programmes, ensuring implementation of comprehensive HIV and AIDS education in and outside schools, comprehensive prevention and care programmes for drug users and prisoners, and integration of prevention information and tools within efforts to expand treatment.

18. Delegates noted that in order for integrated approaches to be effective, it is necessary to ensure stepped up monitoring, evaluation, data collection and analysis, and research to maximize emerging technologies, including microbicides and vaccines, sustainable over the long term.

19. Delegates emphasized that a coordinated response based on the achievement of the "Three Ones" (one national AIDS coordinating authority, one national AIDS framework for action, and one national monitoring and evaluation system) is essential. Above all, response to HIV/AIDS must remain true to the principles of human rights, gender equality, taking a rights-based and multisectoral approach

beyond the health sector, involving all stakeholders including civil society and the private sector, establishing a climate of solidarity and international cooperation, with coordinated action tailored to respond to the local context of the epidemic, and ultimately demand accountability for results.

20. Several delegates noted the opportunity to take bold steps within the policy document on intensifying HIV prevention being developed through UNAIDS.

Summary of the discussions of the round table on treatment, care and support[3]

(Chaired by Dr. Anupong Chitwarakorn, Senior Expert, Preventive Medicine, Ministry of Public Health of Thailand)

21. A strong consensus has emerged that providing treatment and care to children and adults living with HIV/AIDS is a humanitarian and ethical imperative. The push to dramatically expand the availability of treatment has gained impetus through the convergence of several factors, including renewed political will and leadership, commitments to the "3 by 5" target; rapidly falling drug prices; and the availability of financing. There is a strong consensus now that treatment and care do work and are feasible in resource-limited settings.

22. While significant progress has been made, existing treatment programmes still have many challenges to face, and clear points emerged from the round-table meeting as follows:

(a) Action is needed to reduce the continuing impact that stigma and discrimination have in limiting access to prevention and treatment, especially for those who may need it most. This includes women, injecting drug users, men who have sex with men, and sex workers;

(b) There is a need to provide access to treatment, care and support to the most vulnerable groups, including children, injecting drug users, the poor, those living in remote/rural areas, and other socially excluded groups;

(c) Review and scale-up of national testing policies and practices are needed in order to encourage more widespread knowledge of serostatus;

(d) All partners must take necessary action to further lower the price and increase accessibility of first- and, particularly, second-line antiretroviral medicines and formulations for infants and children; participants highlighted the potential need to make use of flexibilities available to them under WTO agreements in order to secure continued and increased access to the requisite medicines;

(e) There is a need to speed up and streamline commodity procurement as well as to improve supply management at the country level, in order to deliver an uninterrupted supply of medicines and diagnostics;

(f) All partners must work cooperatively to develop creative and innovative solutions to the human resource crisis which is emerging as a major impediment to treatment and prevention roll-out, including voluntary and compulsory licensing;

[3] Convened by the World Health Organization and the International Labour Organization.

(g) There is a need to strengthen systems to record and monitor the access to treatment and prevention services by women, girls, children and vulnerable populations, such as injecting drug users, which includes the provision of disaggregated data by sex and age;

(h) There is a need to integrate HIV prevention, care and treatment support, palliative care, traditional therapy, prevention of opportunistic infections and nutritional support with antiretroviral therapy as the components of a comprehensive HIV/AIDS care package, provided free at the point of delivery;

(i) The issues of adherence and drug resistance must be addressed urgently and proactively;

(j) Programmes should maximize the use of community workers and people living with HIV/AIDS themselves in delivering antiretroviral therapy; monitoring its use; and promoting adherence to maximize effectiveness and to reduce the emergence of drug resistance;

(k) Partners should expand the use of comprehensive workplace programmes to deliver treatment and prevention services to workers, their families and the community at large;

(l) All partners should work to increase both international and national resources, as well as coordinated technical support, including through South-South cooperation, for comprehensive treatment and prevention programmes in a long-term and sustainable fashion;

(m) UNAIDS should establish a formal mechanism for receiving information and reports from civil society organizations and people with HIV/AIDS (PWHA) organizations on the implementation of the Declaration of Commitment in their respective countries as input for the 2006 Progress Report.

Summary of the discussions of the round table on human rights and gender[4]

(Chaired by Dr. Marcus Bethel, Minister of Health of the Commonwealth of the Bahamas)

23. The round table on human rights and gender, convened by UNDP, the United Nations Development Fund for Women, the Global Coalition on Women and AIDS and the United Nations High Commissioner for Refugees, was chaired by Senator, the Honourable Dr. Marcus C Bethel, Minister of Health of the Commonwealth of the Bahamas.

24. The round table strongly reaffirmed the call of the Declaration of Commitment on HIV/AIDS for the full realization of human rights and fundamental freedoms for all — particularly those living with or vulnerable to HIV/AIDS — as an essential element in the response to the HIV/AIDS pandemic. Experience has clearly shown that human rights violations and inequitable gender relations fuel the spread of HIV/AIDS by reducing the effectiveness of, and hindering access to prevention, treatment and support services. Human rights infringements, whether in families,

[4] Convened by UNDP, UNHCR, UNIFEM and the Global Coalition on Women and AIDS.

communities, workplaces or health facilities, discourage people from speaking openly about HIV and hamper effective responses to the epidemic. In addition, the growing feminization of the epidemic and the dramatic disparity in infection rates among young women aged 15-24 compared to young men of the same age, are a reflection of the social, economic and legal inequities that increase the vulnerability of women and girls to infection.

25. The round-table discussions addressed the disappointing progress in meeting human rights and gender targets set in the Declaration of Commitment. Too many countries have yet to adopt legislation to prevent stigma and discrimination against people living with HIV/AIDS or to protect vulnerable and displaced populations. And where such legislation exists, there is often a significant gap between law and practice. Moreover, few countries have begun to seriously address the underlying issues that increase women's and girls' vulnerability to HIV/AIDS, including the widespread acceptance of physical and sexual violence against women, inequitable social, economic and cultural rights, and limited rights of women to property and inheritance.

26. Development concerns such as conflict, food insecurity and poverty were recognized as offering fertile ground for the spread of HIV/AIDS. The need for poverty reduction strategies to encompass gender equality and women's rights principles in order to address the economic vulnerability of women and girls was also highlighted. Delegates underscored that halting the epidemic is a millennium development goal in itself, and a prerequisite for the achievement of the commitments contained in the Millennium Declaration.

27. Strong calls were made for fully involving men and boys at all levels in promoting gender equality, including lawmakers, policymakers and community leaders. Delegates emphasized that without the leadership and partnership of men and boys, who occupy positions of power in households, communities and societies, progress in reducing HIV infection would not be realized.

28. The interactive round-table discussion called for rapid and intensified efforts to advance and implement human rights and gender equality, and resulted in the following key recommendations:

(a) **Responses to HIV/AIDS must systematically apply a human rights framework and integrate gender equality concerns in order to reduce vulnerability to infection, advance prevention goals, ensure equal access to treatment, care and support, and mitigate social and economic impacts of HIV/AIDS.**

(b) **National legislation must be enacted and/or strengthened, and enforced to protect the rights of people living with HIV/AIDS and all vulnerable and displaced populations, to enable groups to be reached with information and services to effectively limit the spread of HIV.**

(c) **Human rights of people living with HIV/AIDS and women must be vigorously upheld and protected, including confidentiality and equal protection under the law, sexual and reproductive rights, and rights to health, housing, education and employment.**

(d) **Mechanisms for monitoring of national compliance with the human rights components of the Declaration of Commitment must be strengthened to**

protect the rights of people affected by HIV, and other international frameworks and strategies already in place such as the Convention on the Elimination of All Forms of Discrimination against Women utilized to accelerate the response to AIDS.

29. The Round Table further called for renewed commitment and action for:

(a) Equal access to care and treatment for men and women living with HIV/AIDS, and intensified efforts within countries to ensure that laws and programmes are implemented to eliminate discriminatory practices that impede women's access to HIV prevention, care and treatment services;

(b) The dramatic scale-up of efforts to improve the status of women and girls, including but not limited to initiatives that ensure that both girls and boys are in school, protect women's property and inheritance rights, and address norms and attitudes that reinforce gender inequality and fuel the epidemic. Programmes that respond to the specific needs of women of all ages must be fully resourced;

(c) The involvement of men and boys as full partners in shaping and implementing strategies to improve gender equality within the national response to AIDS;

(d) Reaffirming and accelerating national efforts to eliminate all forms of violence against women and girls, including physical and sexual violence, rape and trafficking;

(e) Recognizing and supporting caregivers, and providing information and resources to improve community-based care, and to reduce the burden of care on women and girls;

(f) The United Nations system and the international community to provide technical assistance and capacity-building support to countries in exchanging best practices and model legislation, to protect the rights of people living with HIV/AIDS and of women;

(g) Inclusion of refugees and other potentially vulnerable groups in all efforts to prevent and treat HIV/AIDS, and integration of programmes for refugees and surrounding host populations;

(h) Involving all sectors of society in addressing human rights and gender equality, including the public and private sectors, media, civil society, faith-based organizations and human rights organizations;

(i) Committed political leadership to promote gender equality and challenge stigma and discrimination, to halt and reverse the epidemic.

Summary of the discussions of the round table on orphans and children made vulnerable by HIV/AIDS[5]

(Chaired by Mme Paulette Missambo, Minister of Public Health and Population of the Gabonese Republic)

30. Globally, in 2004, children under 15 years of age constituted 13 per cent of new global HIV infections and 17 per cent of annual HIV/AIDS deaths worldwide. By 2010, 18 million children in Africa will have lost one or both parents to AIDS. This represents just a fraction of the number of children whose lives will be altered by the impact of HIV/AIDS on their families, communities, schools, health-care and welfare systems.

31. With the escalating rates of HIV, the crisis for children will persist for decades, even as prevention and treatment programmes expand. Despite the growing problem, not enough is being done for children affected by HIV/AIDS.

32. Participants at the round table explored ways to better work together so that programmes address the children's comprehensive needs for both direct short-term support as well as longer-term strategies for protecting and securing the rights of children affected by AIDS. Action-oriented responses should be led by Governments and guided by *The Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS*, which describes five broad strategies that should underpin all quality programming for children affected by HIV/AIDS:

(a) Strengthen the capacity of families to protect and care for orphans and vulnerable children by prolonging the lives of parents and providing economic, psychosocial and other support;

(b) Mobilize and support community-based responses;

(c) Ensure access for orphans and vulnerable children to essential services, including education, health-care and birth registration;

(d) Ensure that Governments protect the most vulnerable children through improved policy and legislation and by channelling resources to families and communities;

(e) Raise awareness at all levels through advocacy and social mobilization to create a supportive environment for children and families affected by HIV and AIDS.

33. To care, support and protect the growing number of orphans and vulnerable children, a greater number and range of partners should endorse and jointly implement the Framework. Strengthened partnerships across sectors at the international, national and community levels are necessary to reduce the impact of the epidemic on children.

34. Participants agreed that in the long term, several key interventions are crucial.

35. Prevention is the best way to prevent future orphaning. Focus for primary prevention should be on adolescents, especially girls, and that means ensuring that adolescents have access to sexual and reproductive information and services.

[5] Convened by the United Nations Children's Fund and the World Food Programme.

36. Another important way to reduce AIDS-related vulnerability in children, in addition to keeping adolescents, parents and caregivers HIV-free, is to keep them healthy if infected. The "3 by 5" initiative, led by WHO, is an important one and partners should work together to expand access to care, support and treatment for parents, especially mothers, including food and nutrition security, through scaling up the comprehensive Mother-to-Child Transmission Plus initiative to prevent new infections in parents and infants and to expand treatment access to families, especially the over 2 million children living with HIV/AIDS. Programmes that provide nutritional support help to keep HIV-positive parents healthy for as long as possible. Community and school-based food and nutrition programmes are essential to ensuring the nutrition and education of the children.

37. Participants agreed that ensuring access to education for children affected by HIV/AIDS is a priority. However, they recognized that attending school may be problematic for children affected by HIV/AIDS, especially those living in a household with a sick adult caregiver. Obstacles such as financial costs and children's role as primary caregivers for their ill parents and grandparents can combine to make children especially vulnerable. Therefore, partners agreed on the importance of focusing on realistic programmes addressing ways to facilitate children's access to school, taking into account measures such as removal of school fees, take-home food rations, school meals, direct support, skills' training, in addition to psychosocial support.

38. Participants recognized the long-term nature of the problem, and therefore, the need to identify and support long-term solutions. The large and growing number of children affected by HIV/AIDS should be seen as a development challenge and therefore should be included in development tools such as the Poverty Reduction Strategy Papers (PRSP) and national budgets. For example, maintaining the resilience of communities and families is crucial to maintaining the integrity of the family. This relies on making social protection systems work for communities and families affected by HIV/AIDS, and strengthening local governance structures as well as ministries with a role at the national level.

39. Partners also need to be innovative in reorienting the services being provided to reach orphans.

40. Governments must ensure that children in need are being reached and followed effectively through sound monitoring and evaluation systems. Participants agreed that they are accountable for assessing, analysing and improving the situation of orphans and children affected by HIV and AIDS pursuant to the commitments made by Governments in the Declaration of Commitment. To do so, data disaggregated by age, sex, relation of children to the head of household, and type of support and protection needed should be generated and available to those who need it for decision-making.

41. Creating a viable future for orphans and vulnerable children is a task in which all partners must take an active part in a coordinated manner. Creative, committed action at the community, district, national, regional and international levels has demonstrated that a better future for millions of affected children can be achieved. Participants at the round table agreed to ensure that the rights of children are protected, respected and fulfilled.

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Crime prevention and criminal justice

International drug control

Letter dated 15 June 2005 from the chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the General Assembly

Acting on instructions from the Government of Burkina Faso, I have the honour to forward herewith, a copy of the report of the national seminar on the implementation of the universal instruments to combat terrorism, transnational organized crime and corruption (see annex).

I would be grateful if you could have the report circulated to Member States as an official document of the General Assembly under agenda items 96 and 97.

(*Signed*) François **Oubida**
Chargé d'affaires a.i.

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Annex to the letter dated 15 June from the chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the General Assembly

Report of the national seminar on the implementation of the universal instruments to combat terrorism, transnational organized crime and corruption

Introduction

A national workshop on the implementation of universal instruments to combat terrorism, transnational organized crime, terrorism and corruption was held in the conference hall of the Ministry of Foreign Affairs and Regional Cooperation from 5 to 7 January 2005. The seminar was organized by the Ministry of Justice with the cooperation of the Ministry of Foreign Affairs and Regional Cooperation and with technical and financial support from the United Nations Office on Drugs and Crime (UNODC). There were about 40 participants, representing the various ministerial departments concerned with such issues. The report on the seminar is divided into the following sections:

1. Seminar objectives
2. Presentation of the Organizing Committee
3. Opening Ceremony
4. Proceedings
5. Workshop outcomes
6. Difficulties, suggestions and prospects

I. Objectives

General objective

This workshop, conducted within the context of the review of the current criminal procedures code was aimed at promoting ownership, by national experts, of those universal instruments adopted to combat transnational organized crime, corruption and terrorism which Burkina Faso had ratified or was in the process of ratifying.

Specific objectives

(a) To assist Burkina Faso in the implementation of conventions against transnational organized crime, corruption and of universal instruments to combat terrorism;

(b) To train and educate national experts about the aforementioned instruments and identify with them those provisions which must be incorporated;

(c) To provide appropriate assistance in the incorporation of instruments to combat transnational organized crime, corruption and terrorism in the penal code and criminal procedure of Burkina Faso;

(d) To train magistrates and security forces such as the police, gendarmerie and customs officers about the international cooperation mechanisms available under those instruments.

II. Organizing Committee

The seminar was jointly organized by UNODC and Burkina Faso. National organization was mainly the responsibility of the Ministry of Justice (through the Office of its Director in charge of legislation and documentation) working with help from the Ministry of Foreign Affairs and Regional Cooperation, which hosted the meeting.

More specifically, the Organizing Committee was jointly coordinated by Cheick D. **Ouedraogo**, First President of the Court of Appeal and D. Etienne **Ouoba**, Director in charge of legislation and documentation.

Other members of the Committee were:

- Ms. Wendyam **Zare** née **Kabore** and Ms. Adelaide **Dembele**, members of DLD;
- Mr. Tounsida Clément **Sawadogo**, member of DLD;
- Mr. Boureima **Kalaga**, Mr. André **Ouedraogo** and Mr. Batangnon **Lamine**, members of DLD; and
- Mr. Issouffou **Ouedraogo**, Director of communications and the ministerial press, and Mr. Hamidou **Simpore**, Chief of Protocol in the Ministry of Justice.

III. Opening ceremony

The opening ceremony was presided over by the Ministry of Justice and was graced by the presence of many eminent persons such as:

- holders of high national office;
- the honourable ministers for foreign affairs and regional cooperation, of national security, labour, employment and youth, of budget and finance and for the promotion of human rights;
- the head of the national security agency;
- the inspector-general of police;
- the chairman of the anti-corruption authority; and
- many others.

Three statements were made at the opening ceremony:

- welcoming remarks by the Director in charge of legislation and documentation;
- a statement by Mr. Jean-Paul Laborde, representative of UNODC; and
- the opening statement by the Minister of Justice.

In his welcoming remarks, Mr Etienne **Ouoba**, Director in charge of legislation and documentation at the Ministry of Justice, stressed the importance of implementing the universal instruments against terrorism, transnational organized crime and corruption.

The representative of UNODC highlighted the pioneering role of the seminar which offered participants the opportunity, on the one hand, to receive appropriate information on the universal instruments to combat terrorism, transnational organized crime and corruption and bring the legislation of Burkina Faso into line with those instruments, and, on the other hand, to deepen the international cooperation mechanisms available to them for combating crime. His keen appreciation went to the authorities of Burkina Faso for their warm hospitality and for their quality organization of the seminar.

In his opening statement, Mr. Boureima **Badini**, Minister of Justice, said that its geographical location made Burkina Faso a transit point for criminal networks. He therefore welcomed the current efforts being made to institute cooperation between Burkina Faso and UNODC. The country had done well to adopt global benchmarks in such instruments as:

- the poverty reduction strategy framework;
- the anti-corruption coordination authority; and
- the plan of action for combating child trafficking.

To combat effectively the scourges of terrorism, transnational organized crime and corruption, he stressed the importance of the seminar which would enable Burkina Faso to institute the necessary legal framework for incorporating the global provisions into the law of Burkina Faso as well as to train its magistrates and law enforcement agencies.

IV. Proceedings

In substance, the national seminar on the implementation of universal instruments to combat transnational organized crime, terrorism and corruption provided a forum for addressing the following themes:

Overview of the instruments to combat transnational organized crime and terrorism

The first presentation enabled participants to focus specifically on the universal instruments to combat terrorism and transnational organized crime and the United Nations Convention against Transnational Organized Crime and its three protocols dealing with trafficking in persons, smuggling of migrants and the illicit manufacture of and trafficking in firearms, which Burkina Faso has ratified.

In terms of combating terrorism, the experts presented the 12 universal instruments for combating terrorism and some resolutions.

A highly fruitful exchange of views ensued at the end of which participants made comments which were subsequently incorporated into the recommendations and plan of action.

Techniques for implementing the universal instruments against terrorism, the United Nations Convention against Transnational Organized Crime and its protocols

The presentation of these techniques jointly by the three experts was aimed, on the one hand, at highlighting the criminalization provisions contained in the aforementioned instruments and, on the other, at formulating — based on analysis of

relevant positive law in Burkina Faso — the measures to be taken as needed to incorporate them in legislation.

Two preliminary comments were made to introduce this module:

- the first spelled out the substance of the document;
- the second focused on modalities for incorporation — namely, amendment of the penal code or drafting of stand-alone legislation — which was left to the discretion of the States.

It was also noted that these techniques could apply not only to the provisions relating to criminalization but to all the provisions of a convention. The presentation focused on the criminalization in the two types of universal instruments. In the counter-terrorism instruments, criminalization was of the association type provided for in the Convention on the Suppression of the Financing of Terrorism. Regarding the Convention against Transnational Organized Crime and its protocols, the various types of criminalization (corruption, money-laundering and participation in organized criminal gangs) were considered with the exception of the obstruction of justice (article 23 of the Convention against Transnational Organized Crime).

Criminal association

This offence which is to be found in the Convention on the Suppression of the Financing of Terrorism was considered in order to study how to implement the provisions concerning the criminalization of offences relating to terrorism. It became clear that the universal instruments do not require the criminalization of terrorism itself but simply require the criminalization of certain serious acts regardless of their purpose or motive.

According to Burkina Faso's national constitution, which provides in article 151, that conventions (from their time of ratification) shall take precedence over domestic law, certain provisions of the conventions on terrorism could be directly applied but, in practice, reference is not always made to the Convention, hence the importance of enforcement.

Consideration of criminalization in the Convention on the Suppression of the Financing of Terrorism falls within this context. The criminalization provided for in article 2 specifies the constituent elements as well as the quality of perpetrators or accomplices. Notably, the financing of terrorism which remains an offence before the act is committed is deemed to have occurred once a constituent element exists and the mere initiation of action is sufficient to make it an offence. Accordingly, article 2, paragraph 3, stipulates that the funds need not actually be used to commit the intended offence.

Regarding persons who may be prosecuted, article 2, 5 stipulates that anyone commits an offence if that person:

- participates as an accomplice in one of the offences listed above;
- organizes or directs others to commit one of these offences;
- contributes to the commission of such offences by a group of persons acting with a common purpose; such contribution can be made either with the aim of furthering the criminal activity or criminal purpose of the group; or in the knowledge of the criminal intention of the group.

Also guilty of such crimes within the meaning of the Convention are any persons who attempt to commit one of the offences listed above.

An analysis of the laws of Burkina Faso shows that the financing of terrorism is not considered an offence. Accordingly, it has been recommended for incorporation using the model proposed by UNODC.

Criminalization in the Convention against Transnational Organized Crime and its Protocols

The idea was principally to study how to implement the criminalization provisions relating to laundering the proceeds of crime, corruption and participation in organized criminal gangs.

Regarding money-laundering, the law is silent on criminalization although under national drug laws, it is considered an offence to launder drug money and (a uniform law on money-laundering is currently being drafted). In terms of criminalization, the Convention against Transnational Organized Crime proposes four offences:

- conversion or transfer of the proceeds of crime (article 6.1 (a) (i));
- concealment or disguise of the proceeds of crime (article 6.1 (a) (ii));
- acquisition, possession or use of the proceeds of crime (article 6.1 (b) (i)); and
- participation in association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the aforementioned offences (article 6.1 (b) (ii)).

The criminalization of corruption as provided for in Article 8 of the Palermo Convention, is addressed in articles 156 and following of the penal code. However, these provisions are not sufficient for the full criminalization of corruption as required under the Convention and should be supplemented by the criminalization of active corruption by public officials as provided for in the Convention and passive corruption of public officials through direct or indirect solicitation of an undue advantage for themselves or for any other person or entity.

Regarding participation in organized criminal groups which, according to the laws of Burkina Faso, is likened to association with lawbreakers and assistance to criminals, it was underscored that the relevant provisions are in conformity with Article 5 of the Convention but they need to be complemented by other provisions aimed at criminalizing:

- agreeing with one or more other persons;
- knowledge by the offender of the criminal nature of the group or at least one of its criminal activities or objectives;
- introduction of the purpose relating directly or indirectly to the obtaining of a financial or other material benefit. Such purposes, it should be noted, makes it possible to establish a link between participation in an organized criminal group and terrorism.

The discussions which followed focused on such issues as proof of terrorist intention in the financing of terrorism, the distinction between political crimes and terrorist acts, the problem of counter-terrorism and corruption in developing

countries, the harmonization of the implementation of universal instruments and the process of drafting a uniform law on money-laundering in Burkina Faso.

International cooperation under universal instruments for combating transnational organized crime and terrorism

This topic, whose purpose was to identify the international legal cooperation instruments that comply with the conventions against terrorism and transnational organized crime, addressed three main points, followed by practical exercises:

- forms of international cooperation under the United Nations Convention against Transnational Organized Crime;
- Burkina Faso's bilateral and multilateral obligations to combat organized crime and terrorism;
- mutual legal assistance.

1. Forms of international cooperation under the United Nations Convention against Transnational Organized Crime

This point covered the challenges to cooperation of eliminating possible havens for criminal groups, and of reducing the gap between the abilities of such groups and the operational capacities of the authorities dealing with organized crime and terrorism.

International cooperation was reviewed for its adherence to the provisions of the Convention. The review addressed the matter of legal cooperation, focusing mainly on the elements of cooperation and the principles underlying extradition treaties.

According to the provisions of the Convention and related agreements, judicial cooperation involves the following elements:

- extradition;
- mutual legal assistance;
- police cooperation;
- transfer of prosecutions;
- transfer of convicted persons;
- witness protection;
- joint investigations;
- special investigation techniques;
- exchange of financial information;
- reconciling conflicts of jurisdiction.

The principles underlying extradition treaties are as follows:

- the double incrimination principle;
- the obligation to extradite for offences provided under the relevant treaty;
- the obligation to define the type of offences that may result in extradition;

– mandatory grounds for refusing to extradite;

– optional grounds for refusing to extradite;

– communication channels and required documents;

– cases of simplified extradition;

– certification and authentication of documents;

– delivery of the extradited individual;

– the rule of specialty;

– the aut dedere aut judicare principle;

– jurisdiction of States.

Following this introduction, the various cooperation methods were discussed in greater depth.

2. Burkina Faso's obligations to combat transnational organized crime and terrorism

These obligations, which involve combating crime, terrorism and corruption at the regional and subregional levels, were reviewed in four basic areas:

(i) Multilateral obligations for combating terrorism;

(ii) Multilateral obligations for combating corruption;

(iii) Other multilateral obligations for combating transnational organized crime;

(iv) Burkina Faso's bilateral commitments.

In the area of terrorism, the main regional conventions to which Burkina Faso is a party are the Convention of the Organization of African States on the Prevention and Combating of Terrorism (OAU Convention) and the Convention of the Organization of the Islamic Conference on Combating International Terrorism (OIC Convention). The first was adopted during the thirty-fifth ordinary session of the Assembly of Heads of State and Government held at Algiers from 12 to 14 July 1999. Once it entered into force, it was ratified by Burkina Faso on 17 October 2002. Its purpose is combating terrorism in all its forms and manifestations. Accordingly, the OAU Convention calls on States to:

– review their national laws and establish criminal offences for terrorist acts as defined in its article 1, and to make such acts punishable;

– notify the Secretary-General of the OAU of the legislative measures they have taken;

– refrain from any acts aimed at organizing, supporting, financing, committing or inciting to commit terrorist acts or providing havens for terrorists, directly or indirectly.

The OIC Convention of 28 June 1999, signed by Burkina Faso on 16 April 2002, is the most recent of these instruments, and defines terrorism as any crime executed, started or participated in to realize a terrorist objective in any of the Contracting States or against its nationals, assets or interests or foreign facilities and

nationals residing in its territory punishable by its internal law. Struggles against foreign occupation, colonialism, aggression or hegemony, or struggles for liberation or self-determination are excluded from this definition of terrorist crimes.

The OIC Convention aims to combat international terrorism in all its forms and manifestations, including State terrorism against States and peoples, to promote cooperation among States for combating terrorist crimes that threaten the security and stability of the Islamic States and endanger their vital interests, and to strengthen cooperation, peace and understanding among members.

Accordingly, the OIC Convention requires States to undertake obligations with a view to preventing and combating the scourge of terrorism, and ensuring on their territories the punishment of such crimes as well as cooperation in the areas of training, education, security, mutual legal assistance and sharing of information on terrorist offences, on the authors of such offences and on their activities.

Burkina Faso is a party to two legally binding instruments for combating corruption on the regional and sub-regional levels: the African Union Convention on Preventing and Combating Terrorism of 11 July 2003 (Maputo Convention) and the ECOWAS Protocol on the Fight against Corruption, adopted at Dakar on 21 December 2001.

The Maputo Convention, adopted at the Second Ordinary Session of the African Union, has five major objectives:

- promoting and strengthening the development of mechanisms for preventing, detecting, punishing and eradicating corruption and related offences;
- promoting, facilitating and regulating cooperation among States parties;
- coordinating and harmonizing the policies and legislation of States for the purposes of prevention, detection, punishment and eradication of corruption on the continent;
- promoting socio-economic development; and
- fostering transparency and accountability in the management of public affairs.

The obligations of States under the Maputo Convention relate not only to laundering the proceeds of corruption, illicit enrichment and the funding of political parties, but also to cooperation and mutual legal assistance in combating corruption. In addition, the Convention calls on States parties to designate, at the time that they deposit the instrument of ratification, the national authority or agency which will be responsible for handling questions concerning the offences described therein, and to establish a follow-up mechanism consisting of an advisory board of 11 members.

The ECOWAS Protocol, not yet in force, has three objectives:

- promoting and strengthening, in each State party, the creation of effective mechanisms for preventing, punishing and eradicating corruption;
- bolstering and energizing the cooperation between States parties with a view to improving the efficiency of measures for combating corruption; and
- promoting the harmonization and coordination of national laws and policies for combating corruption.

In addition to articles 6, 7 and 12, which regulate the matter of territorial jurisdiction of States in the area of corruption, the ECOWAS Protocol provides for three levels of obligation: the adoption of preventive measures, criminalization by the legislature of corruption-related offences (illicit enrichment, laundering the proceeds of corruption and related offences, and acts of corruption involving foreign civil servants); the adoption of punishments, disincentives and protection measures, and cooperation in providing mutual legal assistance.

Burkina Faso's other multilateral and bilateral obligations that play a role in combating corruption, transnational organized crime and terrorism were also reviewed. Such obligations are found in treaty law (in particular, at the bilateral level) and in declaratory instruments. At the regional level, the essential undertakings are:

- the convention on assistance and cooperation in security matters between the Council of the Entente member States, signed at Kara;
- the ECOWAS Convention on Mutual Assistance in Criminal Matters (A/P1/7/92);
- the ECOWAS Convention on Extradition (A/P1/8/94);
- the Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa, of 31 October 1998, which established the Programme for Coordination and Assistance for Security and Development (PCASED);
- the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons.

The bilateral instruments concluded by Burkina Faso relate not only to cooperation and mutual legal assistance (with France and Mali) but also to cooperation in combating the traffic in children (an agreement with Mali and a draft agreement currently being negotiated with Côte d'Ivoire).

Use of international cooperation mechanisms in daily life

Participants took part in exercises involving the use of international cooperation mechanisms in combating transnational organized crime, terrorism and corruption. These exercises provided the experts with important skills for using the provisions of instruments, and allowed the main actors in the area of international cooperation to share their experiences.

Following the exercise session, participants reviewed their draft action plans and recommendations for the implementation of the instruments relevant to Burkina Faso (see annexed documents).

V. Workshop outcomes

In addition to providing training for national experts, the seminar resulted in the adoption of a strong recommendation and a plan of action.

The **recommendation** covers the following main points:

– the formulation and dissemination of a training manual on international cooperation in combating terrorism for the use of specialists working in the field of criminal justice;

– establishment by competent national authorities of bilateral, regional and international cooperation modalities for combating terrorism, transnational organized crime and corruption, through agreements between States and creation of adequate mechanisms to that end and enhancement of dialogue, including meetings for sharing experiences and information on the bilateral, subregional, regional and international levels and specialized seminars for strengthening means of cooperation between the authorities concerned;

– full support by the competent national authorities for victims of terrorism, and promotion of international efforts aimed at acquiring material and social assistance for such victims;

– active participation by Burkina Faso in the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005, for the purpose of presenting the reforms undertaken and sharing views and experiences;

– a delegation from Burkina Faso to the upcoming session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, to be held in Vienna from 10 to 21 October 2005.

The seminar urged:

– the Minister for Foreign Affairs and Regional Cooperation of Burkina Faso to present this statement to the United Nations General Assembly at its fifty-ninth session,

– UNODC to organize a subregional seminar on mutual legal assistance, necessary for effectively combating transnational organized crime;

– implementation of the plan of action, since Burkina Faso has already ratified the universal instruments against terrorism and transnational crime, and is about to ratify the United Nations Convention against Corruption.

I. Universal Instruments against terrorism

Incorporation into law

Pilot Ministry: Ministry of Justice

Completion date: first trimester 2006

Establishment of a schedule of work: late April 2005

Provision of documents and opinions by the technical ministries within the scheduled time frame;

provision of remote or on-site technical assistance by UNODC at the request of the competent national authorities;

meeting of the codification commission or of a group able to give views on the proposals put forward;

delivery of the final document by the pilot ministries to the competent national authorities.

II. United Nations Convention against Transnational Organized Crime and its Protocols

Incorporation into law

Pilot authority: Ministry of Justice

Completion date: first trimester 2006

Establishment of a schedule of work: late April 2005

Provision of documents and opinions by the technical ministries within the scheduled time frame;

provision of remote or on-site technical assistance by UNODC at the request of the competent national authorities;

meeting of the codification commission or of a group able to give views on the proposals put forward;

delivery of the final document by the pilot ministries to the competent national authorities.

III. United Nations Convention against Corruption

1. Continuation and completion of the ratification procedure

Pilot ministry: Ministry of Foreign Affairs and Regional Cooperation

Continuation of the parliamentary procedure

Completion date: late April 2005

Information from UNODC

2. Procedure for deposit with the United Nations Secretary-General

Pilot ministry: Ministry for Foreign Affairs

Completion date: July 2005

Deposit of instruments of ratification by the Minister for Foreign Affairs at the treaty event to be held during the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005.

Follow-up and possible assistance from UNODC regarding the deposit of the instrument of ratification.

3. Incorporation into law

Pilot authority: Ministry of Justice

Completion date: first trimester 2006

Establishment of a schedule of work: late April 2005

Provision of documents and opinions by the technical ministries within the scheduled time frame;

provision of remote or on-site technical assistance by UNODC at the request of competent national authorities;

meeting of the codification commission or of a group able to give views on the proposals put forward;

delivery of the final document by the pilot ministries to the competent national authorities.

VI. Difficulties, suggestions and prospects

The main difficulty faced by the organizers was undoubtedly the absence of a national allocation to cover the organizational costs. Except for the funding provided UNODC, Burkina Faso was unable to cover its costs.

Moreover, it would be useful to include in the ongoing process certain concerned entities — such as the Ministry for the Promotion of Human Rights and the Institute for Diplomacy and International Affairs of Ouagadougou — that could not officially be invited to the current session for various reasons.

In addition, an improved handling of the implementation process will require the revitalization of the National Codification Commission; implementation of these instruments will entail a review of the Penal Code and the Code of Criminal Procedure.

United Nations A/59/854–S/2005/410

General Assembly
Security Council

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General Assembly
Fifty-ninth session
Agenda items 36 and 148

Security Council
Sixtieth year

The situation in the Middle East

Measures to eliminate international terrorism

Identical letters dated 22 June 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I am writing to bring to your attention the events of the last two days, which have seen a surge in Palestinian terrorist activity.

On Monday, the Israeli Defense Forces thwarted a planned suicide bombing. The would-be bomber was a 21-year-old Palestinian woman who had been entering Israel on a medical permit. She had received life saving-treatment at the Soroka Medical Center in Bar Sheva in the past and was supposedly coming to receive continued care there. Taking advantage of this, the bomber was planning to detonate herself at the Soroka Medical Center, intending to kill the same doctors and medical personnel who had saved her life in the past! As she entered the border crossing, she aroused the suspicion of Israeli security officials. When she realized that she had been discovered, she tried unsuccessfully to detonate the 10 kilograms of explosives she was carrying beneath her clothes. It is worth noting that the Palestinian Authority was given specific prior intelligence regarding this attack but did nothing to prevent it.

Perhaps more worrisome than the rise in terrorism, is the lengths to which terrorist organizations are willing to go to murder innocent Israelis. The cynical abuse of a medical permit to attempt to carry out a large-scale terrorist attack goes against every basic principle of morality, humanitarianism, decency and international law. During the past four years of the Palestinian campaign of terrorism, terrorist organizations have repeatedly used women and children to take advantage of Israel's goodwill and carry out attacks against Israeli civilians. Faced with this scourge of terrorism, Israel is forced to maintain stringent policies at its checkpoints in order to safeguard the security of its citizens. Monday's incident is just one more example of how terrorism affects not just Israelis but also Palestinians and the region as a whole.

05-39635 (E) 230605

This incident occurred on the same day that two Israelis were murdered and three wounded in other terrorist attacks. Yevgeny Reider, a 28-year-old Israeli civilian, was shot and killed by Palestinian terrorists as he was travelling to work. His 16-year-old stepson, who was with him in the car, was wounded in the incident. In a separate incident, Palestinian terrorists attacked an Israeli Defense Force Engineers Corps working on the "Philadelphi" route in the Gaza Strip. Three soldiers were wounded in the attack, one of whom died of his wounds.

The continued use of terrorism by Palestinian terrorist organizations threatens to further destabilize the region and make the prospects for peace even more distant. In the Gaza Strip alone, the average number of terrorist attacks per week has risen to a range of 50 to 80, as opposed to an average of 10 to 15 in early February.

Israel cannot be expected to continue the many efforts it is undertaking to advance the peace process, while Palestinian terrorists cynically take advantage of those gestures to attack Israeli civilians. The Palestinian Authority must immediately fulfil its obligations and take all necessary steps to prevent and eliminate terrorist activity and create an atmosphere in which peace can be pursued.

Israel urges the international community to reaffirm its absolute rejection of terrorist tactics and to accept nothing less than the complete dismantling of terrorist organizations, as well as unyielding efforts to prevent terrorism and bring its perpetrators and supporters to justice.

I should be grateful if you would arrange to have the present letter circulated as a document of the fifty-ninth session of the General Assembly, under agenda items 36 and 148, and of the Security Council.

(*Signed*) Daniel **Carmon**
Ambassador
Deputy Permanent Representative

United Nations A/59/855

General Assembly

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Fifty-ninth session
Agenda item 84
Follow-up to and implementation of the outcome of the International Conference on Financing for Development

Summary of the informal interactive hearings on issues related to financing for development

Note by the Secretariat

I. Introduction

1. The General Assembly, in its resolution 59/293 of 27 May 2005, decided that all issues regarding financing for development would be discussed during the informal interactive hearings to be held on 23 and 24 June 2005 with representatives of non-governmental organizations, civil society organizations and the private sector, and requested the Secretariat to issue a summary of the hearings related to financing for development as an input to the High-level Dialogue on Financing for Development. The present note is in response to that request.

2. The informal interactive hearings session "Freedom from want" — segment on Millennium Development Goal 8 and on issues regarding financing for development — was held on 23 June 2005 at United Nations Headquarters in New York. It was chaired by Fayssal Mekdad, Vice-President of the General Assembly at its fifty-ninth session and Permanent Representative of the Syrian Arab Republic to the United Nations. John Langmore, United Nations Association of Australia, acted as moderator and Ester Aguilera, Asociación Nacional de Economistas y Contadores de Cuba, served as rapporteur. The speakers were Peggy Antrobus, Development Alternatives for Women for a New Era (Barbados); Roberto Bissio, Instituto del Tercer Mundo (Uruguay); Ronnie Goldberg, International Organization of Employers (United States of America); Mama Koite, African Women's Development and Communication Network (Mali); Mathilde Manga, African Women's Association (Cameroon); Jens Martens, Global Policy Forum (Germany); and Saradha Ramaswamy Iyer, Third World Network (Malaysia). In addition, 53 representatives of non-governmental organizations, civil society organizations and the private sector, as well as many government representatives, participated in the hearings. The main themes raised in the informal interactive discussion are outlined below.

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II. General considerations

3. All participants recognized the link between financing for development and the attainment of internationally agreed development goals and objectives, including those contained in the United Nations Millennium Declaration. There was a prevailing view that all the Millennium Development Goals were indivisible and closely interlinked. It was suggested that Goal 8, on developing a global partnership for development, which is also at the centre of the Monterrey Consensus, was a key prerequisite for the achievement of the other Millennium Development Goals. It was also pointed out that there was a close interrelationship between freedom from want, freedom from fear and freedom to live in dignity. The report of the Secretary-General "In larger freedom: towards development, security and human rights for all" (A/59/2005) provided a well-noted point of reference in that regard.

4. Much of the discussion focused on the evolution of development funding. Many participants, while acknowledging the global advances made towards internationally agreed goals on development assistance, emphasized the urgent need to accelerate donor support in order to achieve the Millennium Development Goals by 2015. Others called attention to the recent achievements in raising development funds worldwide and the current momentum in aid commitments by donors. In this connection, development priorities in Africa were highlighted in the discussion. The odious poverty, the HIV/AIDS pandemic and persistent indebtedness in many African countries were identified as the areas of particular concern. The views expressed by members of civil society were largely shared by government representatives, who provided reassurances that Africa would be the focus of future development efforts. The urgent need to address the situation of women was another cross-cutting theme of the discussion.

5. The actual meaning of development was questioned, and calls were made for redefining the concept with a more human rights-based approach. The linkages between human rights and economic rights were emphasized, as was the necessity of bringing global development initiatives within the rights-centred purview of the United Nations. Critiques of the draft outcome document for the September Summit (A/59/HLPM/CRP.1) were also voiced. Many participants felt that the draft should be strengthened and should be aimed at providing a clear and concrete road map for the achievement of the Millennium Development Goals. In addition, there was a broad agreement that development was the shared responsibility of both developed and developing countries.

III. Domestic policy issues

6. Many participants stressed the need for participatory democracy to ensure the rights of the poor, the oppressed and children. In particular, it was emphasized that women comprised a disproportionately large part of the world's poor and were often the victims of discrimination, marginalization and violence, and that it would be critical to achieve greater representation of women in decision-making bodies at all levels of government and the United Nations. It was therefore essential that efforts towards the empowerment of women and gender equality continue by strengthening, inter alia, the relevant United Nations bodies, including the Economic and Social Council, which carries a responsibility to advance gender mainstreaming within the development agenda. There were also calls for microfinance and rural development

schemes to empower the poor, as well as for policy measures to improve access to education, water and health services. On the issue of health, the need to combat pandemics such as HIV/AIDS and malaria was emphasized. In addition, the issue of protecting the rights of workers and ensuring adequate social protection was raised. It was proposed that an additional development goal on ensuring decent work and increasing employment opportunities be established.

7. Several speakers expressed the view that developing countries needed to take greater responsibility for their own development, through continued efforts to improve governance at the national level. In that respect, the need to reduce corruption was pointed out by a large number of participants. Greater accountability would require better access to information, especially with regard to policies and public expenditures. At the same time, some representatives also pointed to the importance of ownership by developing countries of their development policies. On that score, multilateral institutions and bilateral donors should reduce conditionality and trade agreements should provide room to manoeuvre so that developing countries can have adequate "policy space".

8. The importance of having policies to further sustainable development was emphasized. In particular, participants mentioned that climate change was one of the gravest threats to the sustainability of the planet's environment and the well-being of the poor who depend heavily on natural resources.

IV. Role of the private sector

9. A number of participants drew attention to the importance of the private sector in generating income and employment and eradicating poverty. A speaker emphasized the need for developing countries to reform their legal and regulatory frameworks, especially with a view to making it easier to open and close businesses, ensuring property rights and the effective enforcement of contracts. Private investments, including foreign investments, were the key to sustained growth and employment generation. In that context, the need to reform the international trading system to increase market access for developing countries was stressed by many participants. Some representatives of member Governments also pointed to the importance of microfinance and education in encouraging the growth of the private sector.

10. However, it was also argued by some participants that foreign direct investment often did not benefit the poor. The view was expressed that actions of transnational companies could sometimes be an obstacle to sustainable development. Privatization of basic goods and services such as water was also criticized for reducing, in many instances, the access of the poor. In addition, the importance of ensuring corporate social responsibility, including with regard to the rights of workers, was stressed.

V. International trade

11. Several participants called upon the international community to implement the commitment of the Monterrey Consensus for a rules-based, non-discriminatory and equitable multilateral trading system. Accordingly, all actors were urged to develop

strategies for revitalizing the trade negotiations within the framework of the Doha Development Agenda. It was stressed that development concerns must be appropriately addressed in the course of transparent and inclusive negotiations leading up to the 2005 World Summit and the Hong Kong Ministerial Conference of the World Trade Organization (WTO) in December 2005. Speakers supported the call of the Secretary-General for the provision of duty-free and quota-free market access for all exports from the least developed countries.

12. Many participants called on developed countries to abolish all forms of subsidies that damage developing countries' agricultural production and markets, as well as to discontinue the dumping of cheap subsidized goods into their markets. The importance of fair and stable prices for commodities exported from developing countries was stressed. Sufficient flexibility in determining the level and nature of their tariff commitments was seen as another critical policy tool for developing countries. Many speakers also raised concerns with regard to existing pressure on developing countries to liberalize the services sector, especially in respect of essential services such as water, energy, health and education. Several participants also stressed the need to assist developing countries in enhancing their export capacities. The need to ensure (a) that bilateral and regional trade agreements are consistent and compatible with WTO commitments, (b) that they promote and protect human rights and (c) that they include analysis of the impact of such agreements on women was highlighted.

VI. Aid

13. Official development assistance (ODA) was seen as an essential mechanism for achieving the Millennium Development Goals and longer-term development goals. However, many speakers expressed concern about recent trends in the future trajectory of and the current distribution, volume, effectiveness and conditionality of aid. The disquieting low levels of aid contributions by developed nations were considered to be a serious factor threatening the achievement of the Millennium Development Goals. Speakers called upon donor countries to move from commitments to concrete actions. Several participants expressed their support for innovative sources of development finance, including global taxes. It was hoped that the proposed new mechanisms, such as an international finance facility, would generate additional resources for development by 2015 and beyond. The view was expressed that the growing gap between military spending and development aid was scandalous. The need to accelerate the pace of reaching the ODA target of 0.7 per cent of gross national income was stated emphatically and echoed by many speakers.

14. However, some government representatives pointed out that much had already been achieved in terms of the growth of ODA, that progress towards the 0.7 per cent target had been commendable and that the European Union especially had built considerable momentum on the issue. Several speakers noted that while developed countries needed to increase the volume of ODA, developing countries had to take development into their own hands, especially by combating corruption and instituting good governance. It was also clarified that making aid more effective should not mean imposing on developing countries further conditionalities that would limit their "policy space". Some participants asserted that ODA should not be redefined through accounting methods for the purpose of presenting an appearance

of growth. For instance, they argued that debt forgiveness should not be counted as ODA. Indicators, including those on the advancement of women, for monitoring progress on aid flows and their impact were also proposed.

VII. External debt

15. There was a broad consensus that additional efforts were needed to further reduce the unsustainable debt burdens of many developing counties, in particular of the least developed countries. Immediate and wide-ranging debt relief was necessary to ensure the ability of developing countries to meet the Millennium Development Goals. Several speakers expressed their support for the Secretary-General's proposal to define debt sustainability as the level of debt that would allow a country to achieve the Millennium Development Goals by 2015 without an increase in debt ratios. Recent steps taken by the Group of Eight to write off $40 billion in debt owed by 18 countries, mainly African, were welcomed. However, it was stressed that further efforts were needed and that debt relief should not come at the expense of additional aid. It was also proposed that transparency in the debt-relief process should be enhanced through accountable mechanisms.

VIII. Systemic issues

16. A number of participants expressed concern about the functioning of the international financial system. Several discussants noted the continued net transfer of financial resources from developing to developed countries. In that context, it was stated that one major developed country was absorbing a disproportionately large volume of global resources and that efforts should be made to reduce that global imbalance. Participants reiterated the call of the Monterrey Consensus to further enhance the participation of developing countries and countries with economies in transition in all international economic decision-making and norm-setting institutions. Many speakers also called for increased coordination among the Bretton Woods institutions, WTO and the United Nations. There was a broad consensus that the role of the United Nations in guiding the international development agenda should be strengthened.

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Question of equitable representation on and increase in the membership of the Security Council and related matters

Strengthening of the United Nations system

Follow-up to the outcome of the Millennium Summit

Note verbale dated 24 June 2005 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

The Permanent Mission of Costa Rica presents it compliments to the Secretary-General and has the honour to enclose the document entitled "Security Council enlargement and the cascade effect: enlargement of the permanent member category and its effects on the United Nations system", prepared by the Ministry of Foreign Affairs and Worship of Costa Rica, as a contribution to current efforts to reform and revitalize the Security Council and the United Nations at large (see annex).

The Permanent Mission of Costa Rica would like to request that the document be circulated as a document of the General Assembly under agenda items 53, 54 and 55.

05-40052 (E) 050705

Annex to the note verbale dated 24 June 2005 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

Security Council enlargement and the cascade effect: enlargement of the permanent member category and its effects on the United Nations system

The present working paper is an effort to examine the possible effects of Security Council enlargement, in the Permanent Member category, on the opportunities for the broader membership to be represented in the various organs of the United Nations system. It primarily concentrates on what is commonly known as the 'Cascade Effect' and its collateral impact on the possibilities and opportunities of the broader membership to be elected to various United Nations organs.

The purpose of this paper is not to call into question the status or the privileges enjoyed by the current Permanent Members, although that is an issue that might deserve consideration in its own right, but only to sound a note of warning regarding the Cascade Effect as it would relate to any future enlargement in the Permanent Member category. Costa Rica believes that it is necessary to seriously examine this issue, as any extension of the Cascade Effect could potentially affect the sense of collective ownership which necessarily underlies the United Nations.

The Cascade Effect arises from the structural political and legal advantages that Permanent Members enjoy as a result of their permanency in the Security Council. In some cases, these electoral advantages are enshrined in legal norms, such as the requirement that judges to the International Court of Justice be simultaneously but separately elected by the General Assembly and the Security Council. In other cases, they arise from collateral political influence, such as the customary practice that every Permanent Member is entitled to have at least one national appointed at the Under-Secretary-General level in key departments of the United Nations.

The statistical evidence presented below proves that Permanent Members in the Security Council have generally enjoyed continuous membership in all the key organs and subsidiary bodies of the United Nations system and have had the added benefit of having nationals continuously appointed to the most senior staff positions. The limited exceptions are mostly confined to the transitional period regarding the representation of China (1960s and early 1970s) and to the adoption of voluntary rotation arrangements within the European Union (late 1990s).

For the broader United Nations membership, the Cascade Effect has a tangible negative impact. By excluding, *de iure* or *de facto*, a certain number of seats from those available for open election and rotation, or appointment by the Secretary-General in the case of senior posts, the Cascade Effect substantially reduces the opportunities of Member States or their nationals to serve in various United Nations organs. For all intents and purposes, Permanent

Members of the Security Council displace all other Member States from seats and posts that should, respectively, be open to democratic election by Member States or appointment by the Secretary-General. The precise impact of the Cascade Effect on each seat varies in relation to the total number of seats available for election in each organ. Similarly, it varies on each post in relation to the total number of posts to be appointed by the Secretary-General. Therefore, although comprehensive in its grasp, the Cascade Effect can manifest itself differently in each case.

When considering the expansion of the Security Council and, in particular, the possible creation of new Permanent Members, it is necessary to examine whether new Permanent Members would enjoy the advantages that arise from the Cascade Effect. Without proper safeguards to correct the legal and political factors that give rise to it-- for example, a firm binding commitment otherwise,-- the Cascade Effect will, in all likelihood, extend its asphyxiating grasp on the opportunities and possibilities for the broader membership to be represented in the various organs of the United Nations system.

Statistical Findings

The Cascade Effect is a rather understudied phenomenon, although its ramifications can be felt throughout the United Nations system. There have been few previous attempts to examine it (probably the most notable, albeit confined to an analysis of the 1984-1993 period, was submitted by Argentina during UNGA49 in 1995 and circulated as part of document A/49/965), and not a single attempt that comprehensively extrapolates its full force and scope since 1946. Therefore, to fill in that void, the following analysis seeks to demonstrate, on a case by case basis, and in quantitative and comparative terms, the full force and scope of the Cascade Effect since 1946 and its probable future effects if there is an enlargement in the Permanent Member category.

For simplicity, the working paper takes enlargement in the Permanent Member category to mean 6 new additional Permanent Members as contemplated in Model A of the High-Level Panel Report "A More Secure World: Our Shared Responsibility" and the "In Larger Freedom" Report by the Secretary-General. This should not be construed, in any way, as an endorsement of Model A.

1. Economic and Social Council and Subsidiary Bodies

1.1 Economic and Social Council [ECOSOC]

With one exception (one Permanent Member did not serve between 1961-1971), Permanent Members have served continuously on the ECOSOC since its creation in 1946 or immediately after in 1947. Of all the elective organs within the United Nations Systems, the ECOSOC is one organ where the Cascade Effect is most evident.

PERMANENT MEMBER	TERMS	CONTINUITY
France	1946-2005	100.0%
United States	1946-2005	100.0%
Russian Federation	1947-2005	98.3%
United Kingdom	1947-2005	98.3%
China	1946-1960, 1972-2005	81.7%

Of the 54 seats in the ECOSOC, 5 [9.3%] seats are affected by the Cascade Effect. This could increase to a total of 11 [20.4%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 90.7% to 79.6% of the seats**.

1.2 Commission on Human Rights [CHR]

With one exception (one Permanent Member did not serve between 1964-1981), and just 4 one-year gaps, Permanent Members have served continuously on the Commission on Human Rights since its creation in 1946 or immediately after in 1947.

PERMANENT MEMBER	TERMS	CONTINUITY
France	1946-1976, 1978-2005	98.3%
Russian Federation	1947-2005	98.3%
United States	1947-2001, 2003-2005	96.7%
United Kingdom	1947-1978, 1980-1990, 1992-2005	95.0%
China	1947-1963, 1982-2005	68.3%

Of the 53 seats in the CHR, 5 [9.4%] seats are affected by the Cascade Effect. This could increase to a total of 11 [20.8%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 90.6% to 79.2% of the seats**.

1.3 Commission on Narcotic Drugs [CND]

With one exception (one Permanent Member did not serve between 1970-1985), Permanent Members have served continuously on the Commission on Narcotic Drugs since its creation in 1946.

PERMANENT MEMBER	TERMS	CONTINUITY
France	1946-2005	100.0%
Russian Federation	1946-2005	100.0%
United Kingdom	1946-2005	100.0%
United States	1946-2005	100.0%
China	1946-1969, 1986-2005	73.3%

Of the 53 seats in the CND, 5 [9.4%] seats are affected by the Cascade Effect. This could increase to a total of 11 [20.8%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 90.6% to 79.2% of the seats**.

1.4 Commission on Population and Development [CPD]

With two exceptions (one Permanent Member did not serve between 1968-1981, while another Permanent Member has not been a member since 2001), Permanent Members have served continuously on the Commission on Population and Development since its creation in 1947.

PERMANENT MEMBER	TERMS	CONTINUITY
France	1947-2005	100.0%
Russian Federation	1947-2005	100.0%
United States	1947-2005	100.0%
United Kingdom	1947-2001	93.2%
China	1947-1967, 1982-2005	78.0%

Of the 47 seats in the CPD, 5 [10.6%] seats are affected by the Cascade Effect. This could increase to a total of 11 [23.4%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 89.4% to 76.6% of the seats**.

1.5 Committee for Program and Coordination [CPC]

With the exception of one Permanent Member that began to serve in 1987, all Permanent Members have served continuously in the Committee for Program and Coordination since its creation in 1973 or immediately after in 1974.

PERMANENT MEMBER	TERMS	CONTINUITY
United Kingdom	1973-2005	100.0%
France	1974-2005	96.9%
Russian Federation	1974-2005	96.9%
United States	1974-2005	96.9%
China	1987-2005	62.5%

Of the 34 seats in the CPC, 5 [14.7%] seats are affected by the Cascade Effect. This could increase to a total of 11 [32.4%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 85.3% to 67.6% of the seats**.

1.6 Commission on Social Development [CSoD]

With two exceptions (one Permanent Member did not serve in 1965 and between 1969-1988, another Permanent Member has not served since 1983), Permanent Members have served continuously on the Commission on Social Development since its creation in 1947.

PERMANENT MEMBER	TERMS	CONTINUITY
France	1947-2005	100.0%
Russian Federation	1947-2005	100.0%
United States	1947-2005	100.0%
China	1947-1964, 1966-1968, 1989-2005	64.4%
United Kingdom	1947-1982	61.0%

Of the 46 seats in the CSoD, 5 [10.9%] seats have been affected by the Cascade Effect. This could increase to a total of 11 [23.9%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 89.1% to 76.1% of the seats**.

1.7 Commission on Sustainable Development [CSD]

All Permanent Members have served continuously on the Commission on Sustainable Development since its creation in 1993.

PERMANENT MEMBER	TERMS	CONTINUITY
China	1993-2005	100.0%
France	1993-2005	100.0%
Russian Federation	1993-2005	100.0%
United Kingdom	1993-2005	100.0%
United States	1993-2005	100.0%

Of the 53 seats in the CSD, 5 [9.4%] seats are affected by the Cascade Effect. This could increase to a total of 11 [20.8%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 90.6% to 79.2% of the seats**.

1.8 Commission on the Status of Women [CSW]

With two exceptions (one Permanent Member did not serve between 1968-1972 and between 1977-1979, while another did not serve between 1987-1996), and just 3 one-year gaps, Permanent Members have served continuously on the Commission on the Status of Women since its creation in 1947.

PERMANENT MEMBER	TERMS	CONTINUITY
Russian Federation	1947-2005	100.0%
France	1947-1983, 1985-2005	98.3%
United States	1947-1994, 1996-2005	98.3%
China	1947-1963, 1965-1967, 1973-1976, 1980-2005	84.7%
United Kingdom	1947-1986, 1997-2005	83.1%

Of the 45 seats in the CSW, 5 [11.1%] seats are affected by the Cascade Effect. This could increase to a total of 11 [24.4%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 89.9% to 75.6% of the seats**.

1.9 Statistical Commission

With one exception (one Permanent Member did not serve between 1969-1986), and just 3 one to three-year gaps, Permanent Members have served on the Statistical Commission since its creation in 1947.

PERMANENT MEMBER	TERMS	CONTINUITY
United Kingdom	1947-2005	100.0%
Russian Federation	1947-2005	100.0%
United States	1947-1981, 1984-2005	96.6%
France	1947-1980, 1982-1997, 2001-2004	91.5%
China	1947-1967, 1984-2003	67.8%

Of the 24 seats in the Statistical Commission, 5 [20.8%] seats are affected by the Cascade Effect. This could increase to a total of 11 [45.8%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership from 79.2% to 54.2% of the seats.

2. UN Funds and Programmes Executive Boards and Councils

2.1 United Nations Development Programme Executive Board [UNDP]

With just 4 one-year gaps and 1 two-year gap, Permanent Members have served continuously in the UNDP Executive Board since its creation in 1994.

PERMANENT MEMBER	TERMS	CONTINUITY
China	1994-2005	100.0%
United States	1994-2005	100.0%
Russian Federation	1994-1995, 1997-2005	90.0%
France	1994-1995, 1997-1998, 2000-2003	60.0%
United Kingdom	1994-1995, 1997-1999, 2002-2004	60.0%

Of the 36 seats on the UNDP Executive Board, 5 [13.9%] seats are affected by the Cascade Effect. This could increase to a total of 11 [30.6%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 86.1% to 69.4% of the seats**.

2.2 United Nations Environment Programme Governing Council [UNEP]

Permanent Members have served continuously on the UNEP Governing Council since its creation in 1973.

PERMANENT MEMBER	TERMS	CONTINUITY
China	1973-2005	100.0%
France	1973-2005	100.0%
Russian Federation	1973-2005	100.0%
United Kingdom	1973-2005	100.0%
United States	1973-2005	100.0%

Of the 58 seats on the UNEP Governing Council, 5 [8.6%] seats are affected by the Cascade Effect. This could increase to a total of 11 [19.0%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 91.4% to 81.0% of the seats**.

2.3 United Nations Human Settlements Programme Governing Council [UN-Habitat]

With one exception (one Permanent Member did not serve until 1989), Permanent Members have served continuously on the UN-HABITAT Governing Council since its creation in 1977 or immediately after in 1978.

PERMANENT MEMBER	TERMS	CONTINUITY
France	1977-2005	100.0%
Russian Federation	1978-2005	96.4%
United Kingdom	1978-2005	96.4%
United States	1978-2005	96.4%
China	1989-2005	58.6%

Of the 58 seats on the UN-HABITAT Governing Council, 5 [8.6%] seats are affected by the Cascade Effect. This could increase to a total of 11 [19.0%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 91.4% to 81.0% of the seats**.

2.4 United Nations Children's Fund Executive Board [UNICEF]

With one exception (one Permanent Member did not serve until 1958 and then did not serve between 1974-1979), and just 4 one to two-year gaps, Permanent Members have served in the UNICEF Executive Board since its creation in 1946.

PERMANENT MEMBER	TERMS	CONTINUITY
Russian Federation	1946-2005	100.0%
United States	1946-2005	100.0%
France	1946-1996, 1998-1999, 2001-2005	96.7%
United Kingdom	1946-1996, 1998-2000, 2003-2005	95.0%
China	1958-1973, 1980-2005	70.0%

Of the 36 seats on the UNICEF Executive Board, 5 [13.9%] seats are affected by the Cascade Effect. This could increase to a total of 11 [30.6%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 86.1% to 69.4% of the seats**.

3. International Court of Justice [ICJ]

With one exception (nationals of one Permanent Member did not serve between 1968-1984), nationals of Permanent Members have served continuously in the International Court of Justice since 1946. Judges in the ICJ are elected by the Security Council and the General Assembly in separate but simultaneous elections.

PERMANENT MEMBER	TERMS		CONTINUITY
France	J. Basdevant	1946-1964	100.0%
	A. Gross	1964-1984	
	G. Ladreit de Lacharrière	1982-1987	
	G. Guillaume	1987-2004	
	R. Abraham	2004-2005	
Russian Federation	S. B. Krylov	1946-1952	100.0%
	S. A. Golunsky	1952-1953	
	F. I. Kojevnikov	1953-1961	
	V. M. Koretsky	1961-1970	
	P. D. Morosov	1970-1985	
	N. K. Tarassov	1985-1994	
	V. S. Vereshchentin	1995-2005	
United Kingdom	Sir Arnold McNair	1946-1955	100.0%
	Sir Hersch Lauterpacht	1955-1960	
	Sir Gerald Fitzmaurice	1960-1973	
	Sir Humphrey Waldock	1973-1981	
	Sir Robert Jennings	1982-1995	
	Dame Rosalyn Higgins	1995-2005	
United States	G. H. Hackworth	1946-1961	100.0%
	P. C. Jessup	1961-1970	
	H. C. Dillard	1970-1979	
	R. R. Baxter	1979-1980	
	S. M. Schwebel	1980-2000	
	T. Buergenthal	2000-2005	
China	Hsu Mo	1946-1956	66.0%
	V. K. Wellington Koo	1957-1967	
	Ni Zhengyu	1985-1994	
	Shi Jiuyong	1994 -2005	

Of the 15 seats on the ICJ, 5 [33.3%] seats are affected by the Cascade Effect. This could increase to a total of 11 [73.3%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership from 66.7% to a mere 26.7% of the seats.

4. UN Specialized Agencies

4.1 Food and Agriculture Organization Council [FAO]

With one exception (one Permanent Member did not serve between 1949-1972) and 1 one-year gap, Permanent Members have served in the FAO Council consecutively since its creation in 1947. The Russian Federation is not included for it is not a member of FAO.

PERMANENT MEMBER	TERMS	CONTINUITY
France	1947-2005	100.0%
United States	1947-2005	100.0%
United Kingdom	1947-1955, 1957-2005	96.5%
China	1947-1948, 1973-2005	73.1%

Of the 49 seats on the FAO Council, 5 [10.2%] seats are affected by the Cascade Effect. This could increase to a total of 11 [22.4%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 89.8% to 77.6% of the seats**.

4.2 International Atomic Energy Agency Board of Governors [IAEA]

With one exception (one Permanent Member did not serve until 1984), Permanent Members have served continuously on the IAEA Board of Governors since its creation in 1957.

PERMANENT MEMBER	TERMS	CONTINUITY
France	957-2005	100.0%
Russian Federation	1957-2005	100.0%
United Kingdom	1957-2005	100.0%
United States	1957-2005	100.0%
China	1984-2005	42.6%

Of the 35 seats on the IAEA Board of Governors, 5 [14.3%] seats are affected by the Cascade Effect. This could increase to a total of 11 [31.4%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 85.7% to 68.6% of the seats**.

4.3 International Civil Aviation Organization Council [ICAO]

With two exceptions (one Permanent Member did not serve until 1972 while another did not serve until 1974), Permanent Members have served continuously on the Council of the International Civil Aviation Organization since its creation in 1947 or immediately after in 1948.

PERMANENT MEMBER	TERMS	CONTINUITY
United Kingdom	1947-2005	100.0%
United States	1947-2005	100.0%
France	1948-2005	98.2%
Russian Federation	1972-2005	57.1%
China	1974-2005	53.6%

Of the 36 seats on the ICAO Council, 5 [13.8%] seats are affected by the Cascade Effect. This could increase to a total of 11 [30.6%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 86.2% to 69.4% of the seats**.

4.4 International Maritime Organization Council [IMO]

With one exception (one Permanent Member did not serve until 1975) and just 2 one-year gaps, Permanent Members have served continuously on the Council of the International Maritime Organization since its creation in 1959.

PERMANENT MEMBER	TERMS	CONTINUITY
France	1959-2005	100.0%
United Kingdom	1959-2005	100.0%
United States	1959-2005	100.0%
China	1975-81, 1983-87, 1989-2005	63.0%

Of the 40 seats on the IMO Council, 5 [12.5%] seats are affected by the Cascade Effect. This could increase to a total of 11 [27.5%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 87.5% to 72.5% of the seats**.

4.5 International Telecommunications Union Council [ITU]

With one exception (one Permanent Member did not serve between 1990-1993 and has not served since 2003), Permanent Members have served continuously on the Council of the International Telecommunications Union since its creation in 1947.

PERMANENT MEMBER	TERMS	CONTINUITY
China	1947-2005	100.0%
France	1947-2005	100.0%
Russian Federation	1947-2005	100.0%
United States	1947-2005	100.0%
United Kingdom	1947-1989, 1994-2002	86.6%

Of the 46 seats on the ITU Council, 5 [10.9%] seats are affected by the Cascade Effect. This could increase to a total of 11 [23.9%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 89.1% to 76.1% of the seats**.

4.6 Organization for the Prohibition of Chemical Weapons Executive Council

Permanent Members have served continuously on the Executive Council of the Organization for the Prohibition of Chemical Weapons since its creation in 1997 or immediately after in 1998.

PERMANENT MEMBER	TERMS	CONTINUITY
China	1997-2005	100.0%
France	1997-2005	100.0%
United Kingdom	1997-2005	100.0%
United States	1997-2005	100.0%
Russian Federation	1998-2005	88.8%

Of the 41 seats on the OPCW Executive Council, 5 [12.2%] seats are affected by the Cascade Effect. This could increase to a total of 11 [26.8%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 87.8% to 73.2% of the seats**.

4.7 World Health Organization Executive Board [WHO]

With two exception (one Permanent Member did not serve between 1949-1972 and then from 1986-1989 and another that did not serve between 1951-1957) and just 3 one-year gaps, Permanent Members have served on the Executive Board of the World Health Organization since its creation in 1947 or immediately after in 1948.

PERMANENT MEMBER	TERMS	CONTINUITY
United States	1947-2005	100.0%
France	1948-2001, 2003-2005	94.8%
United Kingdom	1947-1999, 2001-2004	94.8%
Russian Federation	1948-1950, 1958-2005	86.2%
China	1947-48, 1973-76, 1978-85, 1990-2005	50.0%

Of the 32 seats on the WHO Executive Board, 5 [15.6%] seats are affected by the Cascade Effect. This could increase to a total of 11 [34.4%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 84.4% to 65.6% of the seats**.

4.8 World Meteorological Organization Executive Council [WMO]

With two exceptions (one Permanent Member did not serve until 1973 and another did not serve until 1979), Permanent Members have served continuously on the Executive Council of the World Meteorological Organization since its creation in 1951.

PERMANENT MEMBER	TERMS	CONTINUITY
France	1951-2005	100.0%
Russian Federation	1951-2005	100.0%
United States	1951-2005	100.0%
China	1973-2005	60.7%
United Kingdom	1979-2005	50.0%

Of the 37 seats on the WMO Executive Council, 5 [13.5%] seats are affected by the Cascade Effect. This could increase to a total of 11 [29.7%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 86.5% to 70.3% of the seats**.

4.9 International Labor Organization Governing Body [ILO]

The continuity of the Permanent Members in the Governing Body of the International Labor Organization is guaranteed as they hold non-elective seats as "states of chief industrial importance". This status only extends to 5 other Member States. The compounded impact of the Cascade Effect, through the addition of 6 new Permanent Members as contemplated in Model A, is uncertain and cannot be easily ascertained in this case.

5. General Assembly Subsidiary Bodies

5.1 General Committee

By virtue of resolution 33/138 of 1978, 5 of the 21 Vice-Presidents of the General Assembly are representatives of the Permanent Members and thereby members of the General Committee. The compounded impact of the Cascade Effect, through the addition of 6 new Permanent Members as contemplated in Model A, is uncertain and cannot be easily ascertained in this case.

5.2 Advisory Committee on Administrative and Budgetary Questions [ACABQ]

With one exception (nationals from one Permanent Member did not serve between 1952-1971) and several minor gaps (2 one-year gaps, 6 three-year gaps, 1 four-year gap, and 1 five-year gap), nationals from Permanent Members have served continuously on the ACABQ since its creation in 1946.

PERMANENT MEMBER	TERMS	CONTINUITY
Russian Federation	1946-2005	100.0%
United States	1946-1996, 2000-2005	94.9%
France	1946-1983, 1987-1989, 1993-1995, 1997-2002	84.7%
United Kingdom	1946-1980, 1984-1986, 1991-1993, 1999-2004	78.0%
China	1946-1951, 1972-1998, 2002-2005	61.1%

Of the 16 seats in the ACABQ, 5 [31.3%] seats are affected by the Cascade Effect. This could increase to a total of 11 [68.7%] seats with the addition of 6 new Permanent Members as contemplated in Model A, reducing opportunities for the broader membership **from 68.7% to 31.3% of the seats**.

6. United Nations Secretariat

Permanent Members have customarily had one or more nationals serving in the most senior positions within the United Nations, typically at the Under-Secretary-General and Assistant Secretary-General level. Moreover, at times several nationals from a single Permanent Member have monopolized the most senior positions within a particular department, and at times a Permanent Member has traded off one department for another, as is evidenced in part by the following (this is not a comprehensive or exhaustive listing):

PERMANENT MEMBER	DEPARTMENT HEADS	TERMS
China	**Department of Trusteeship and Non-Self Governing Territories**	
	Victor Hoo Chi Tsai	1946-1953
	Department of General Assembly Affairs and predecessors	
	Victor Hoo Chi Tsai	1954-1961
	Technical Cooperation for Development and predecessors	
	Victor Hoo Chi Tsai	1962-1972
	Department of Political Affairs, Trusteeship and Decolonization	
	Tang Ming-chao	1972-1978
	Technical Cooperation for Development and predecessors	
	Bi Jilong	1979-1984
	Xie Qimei	1985-1990
	Ji Chaozhu	1991-1992
	Department for Economic and Social Affairs and predecessors	
	Ji Chaozhu	1992
	Technical Cooperation for Development and predecessors	
	Ji Chaozhu	1993-1995
	Jin Yongjian	1996
	Department of General Assembly Affairs and Conference Services	
	Jin Yongjian	1997-2001
	Chen Jian	2001-
France	**Department for Economic and Social Affairs and predecessors**	
	Henri Laugier	1946-1950
	Guillaume Georges-Picot	1951-1954
	Philippe de Seynes	1955-1974
	Gabriel van Laetham	1974-1978

PERMANENT MEMBER	DEPARTMENT HEADS	TERMS
France [cont.]	Jean-Louis Ripert	1978-1990
	Antoine Blanca	1989-1992
	Jean-Claude Milleron	1993-1996
	United Nations Office in Geneva [UNOG], Director General	
	Antoine Blanca	1992-1993
	Department of Peacekeeping Operations [DPKO]	
	Bernard Miyet	1997-2000
	Jean-Marie Guehenno	2000-
Russian Federation	**Department of Political Affairs [DPA] or predecessors**	
	Constantin E. Zinchenko	1949-1952
	Ilya S. Tchernychev	1953-1954
	Anatoly F. Dobrynin	1958-1959
	Georgy P. Arkadev	1960-1961
	Evgeny D. Kiselev	1962
	Vladimir P. Suslov	1963-1964
	Alexei E. Nesterenko	1965-1967
	Leonid N. Kutakov	1968-1972
	Arkady N. Shevchenko	1973-1977
	Department of Political Affairs [DPA] or predecessors	
	Mikhail D. Sytenko	1978-1980
	Viacheslav A. Ustinov	1981-1986
	Vasiliy S. Safronchuk	1987-1991
	Vladimir Petrovsky	1992-1993
	United Nations Office in Geneva [UNOG], Director General	
	Vladimir Petrovsky	1993-2002
	Sergei Ordzhonikidze	2002-
United Kingdom	**Department for Economic and Social Affairs and predecessors**	
	Sir Arthur David K. Owen	1946-1954
	United Nations Office in Geneva [UNOG], Director General	
	Sir Arthur Rucker	1953
	Department of Peacekeeping Operations [DPKO] and predecessors	
	Sir Humphrey Trevelyan	1958

PERMANENT MEMBER	DEPARTMENT HEADS	TERMS
United Kingdom [cont.]	**Department of Management [DM] and predecessors**	
	Andrew A. Stark	1968-1970
	Horatio K. Matthews	1971-1972
	Department of Peacekeeping Operations [DPKO] and predecessors	
	Sir Brian Urquhart	1974-1986
	Marrack I. Goulding	1986-1992
	Department of Political Affairs [DPA] and predecessors	
	Marrack I. Goulding	1993-1996
	Sir Kieran Prendergast	1997-2005
	Department of Safety and Security	
	David Veness	2005-
	Executive Office of the Secretary-General, Chef de Cabinet	
	Mark Malloch Brown	2005-
United States	**Executive Office of the Secretary-General, Chef de Cabinet**	
	Andrew W. Cordier	1946-1961
	Department of Management [DM] and predecessors	
	Byron Price	1946-1953
	Department of Peacekeeping Operations [DPKO] and predecessors	
	Ralph J. Bunche	1955-1970
	Department for Political Affairs [DPA] and predecessors	
	F. Bradford Morse	1972-1975
	William B. Buffum	1976-1986
	Joseph Verner Reed	1987-1988
	Ronald I. Spiers	1989-1991
	Department of Management [DM] and predecessors	
	Dick Thornburgh	1992
	Melissa Wells	1993
	Joseph E. Connor	1994-2002
	Catherine Bertini	2003-2005
	Christopher Bancroft Burnham	2005-

The compounded impact of the Cascade Effect on appointments at the most senior level, through the addition of 6 new Permanent Members as contemplated in Model A, cannot be easily ascertained.

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Sixtieth year

Letter dated 29 June 2005 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I wish to refer to the letter dated 31 May 2005 from the Permanent Representative of Turkey to the United Nations addressed to you (A/59/820-S/2005/355), and to apprise you of the positions of my Government regarding the Turkish proposals contained therein.

The Government of Cyprus remains committed to a fair and sustainable resolution of the Cyprus problem, which will be mutually and freely agreed by both communities, and "based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions in a bi-communal and bi-zonal federation", pursuant to Security Council resolution 939 (1994).

It is regrettable that this long-standing agreed basis for a Cyprus settlement is progressively being eroded by Turkey's consistent aim of promoting a secessionist entity in the occupied part of Cyprus, consolidating the faits accomplis and disclaiming all responsibility for the ongoing violations of human rights in Cyprus emanating from the de facto partition of the island. The Turkish positions explicitly deviate in letter and spirit from the reunification goal, as provided for by Security Council resolutions, and suggest a parallel coexistence of two sovereign entities functioning independently side by side, to which Turkey has aspired since long before 1974. Even more disturbing is Turkey's attempt to use as a pretext the need to improve the economic situation of the Turkish Cypriot community, which is strongly supported and pursued both by the international community and the Government of Cyprus, in order to upgrade an illegal secessionist entity and therefore secure and perpetuate its military presence on the island.

The assumption presented in the above-mentioned letter, that the rejection of the Annan Plan by the Greek Cypriot community and the accession of the Republic of Cyprus to the European Union have created an entirely new situation, is not an honest assessment of the existing reality, but rather is a selective and misleading interpretation, serving a political agenda. Although both events had an impact on

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Cyprus, neither event was able to reverse the existing situation on the ground nor were they meant to absolve Turkey of its responsibilities regarding Cyprus. As the European Court of Human Rights notes in a recent ruling concerning Cyprus (application No. 46347/99, Xenides-Arestis v. Turkey), the fact that the Greek Cypriots rejected the Annan Plan does not entail recognition of the secessionist entity or confer statehood upon it. Nor does it entail the legal consequence of bringing to an end the continuing violation of the rights of dispossessed persons, since Turkey continues to exercise effective overall control of the occupied area of Cyprus and is therefore responsible for any acts committed either by its own troops illegally stationed in Cyprus or by its subordinate local administration. Similarly, the accession of the Republic of Cyprus to the European Union, while creating a new dynamic for achieving a settlement, does not bring to an end the de facto division of the island, nor does it change the nature of the factors that sustain the partition. Therefore, pending a settlement, "the application of the *acquis* upon accession has been suspended pursuant to Article 1 (1) of Protocol 10, in the areas of the Republic of Cyprus in which the Government of the Republic does not exercise effective control".

The argument put forward by the Turkish side, that Turkish Cypriots continue to face difficulties arising from the ongoing so-called political, economic, cultural and social "isolation", although they have fulfilled their responsibilities by voting in favour of the Annan Plan, is baseless. Both Turkish Cypriots and Greek Cypriots fulfilled their responsibilities by freely and democratically expressing their views on the specific plan. Moreover, what is erroneously described as "isolation" of the Turkish Cypriots is nothing more than the consequence of the illegal occupation of Cyprus and its subsequent division, which is, to this day, sustained by military means, and the refusal of the Turkish leadership to comply with principles of international law, established rules and procedures and decisions of the Court of Justice of the European Communities.

Furthermore, the continued occupation, which renders the Government of Cyprus unable de facto to exercise control over the whole island, cannot affect the Government's indisputable sovereign right to determine which of its ports and airports are open and functioning. Neither the process of bi-communal talks over the years, nor any recent developments could be invoked to impair the legal personality of the Republic of Cyprus, a sovereign State and a Member of the United Nations and the European Union. The submission of the Annan Plan to referendums cannot simply change the indisputable fact that Turkey remains responsible not only for the existing status quo, but also for the difficulties the Turkish Cypriots are facing, due to the continuation of the division of Cyprus, the consequences of which seriously affect the Greek Cypriots as well, since one third of the Cypriot population continue to be deprived of their basic human rights, including the right to return to their homes and use their properties. On a more general note, it is disturbing that the Turkish side is constantly engaging in an attempt to reverse responsibility for the existing situation in Cyprus by presenting the Turkish Cypriot community as the victim of Greek Cypriots. Distorting the facts in order to present an image that fits well with the impression Turkey wants to project in order to prevail in the outside world must stop. The futile attempt to shift the focus from the fact that the source of the problem is the invasion and occupation of Cyprus by Turkey is poisoning all efforts aimed at rapprochement. Moreover, denying the very heart of the problem and trying to disguise its raison d' être with false allegations only adds insult to the injury.

What Turkey portrays as "another concrete initiative for paving the way to reaching a just, durable and comprehensive solution", summarized in the five points contained in the aforementioned letter, contravenes international law and Security Council resolutions by attempting to upgrade the status of the illegal entity established by use of force in the northern part of Cyprus and to elaborate policies for which Turkey has been repeatedly condemned in various international forums.

At a time when utmost restraint and caution are required in order to reach common ground on maintaining efforts to achieve a solution, the pursuit of such views reveals Turkey's insistence on its well-known separatist positions and its refusal to cooperate for the benefit of all Cypriots. Even more disturbing is the attempt to distort the decisions of various international forums and to present Turkish aims as being compatible with international law.

A concrete measure in the right direction might be strengthening cooperation on bi-communal projects, aiming at building confidence and improving the climate between the two communities, such as the ambitious policy launched by the Government of Cyprus during the past two years, which aims at procuring tangible economic and other benefits for the Turkish Cypriot community.

In particular, in the past two years, the Government of Cyprus has been providing Turkish Cypriots with a generous package of measures, which include, among others, social benefits, free medical care, employment opportunities (according to a Turkish Cypriot Chamber of Commerce report dated 17 January 2005, there are 10,000 Turkish Cypriot skilled workers employed in Government-controlled areas, receiving approximately $180 million in salaries), issuance of the Republic of Cyprus passports, identity cards, birth certificates, etc. The Government of the Republic of Cyprus has been also working since April 2004 to expand the intra-island trade of wholly obtained industrial goods and eligible agricultural products produced in the occupied area, subject to the procedures and rules of the European Union (green-line regulation). Furthermore, the Government of the Republic of Cyprus has advocated that the 259 million euros earmarked for the period 2004-2006, by the European Union for the Turkish Cypriots in the event of a Cyprus settlement, be made available as from now. Moreover, the Government has asked that the number of crossing points at the dividing line for both persons and goods be increased, in agreement with the United Nations and the Turkish Cypriot side, while unilaterally implementing a programme to demine National Guard minefields in the buffer zone. Unfortunately, despite those efforts, the Turkish leadership insists on promoting the illegal regime in the north and, in many instances, opts to sacrifice the economic advancement of the Turkish Cypriot community for the sake of achieving its political ends.

It is time for Turkey to set aside its well-known separatist positions and to demonstrate in concrete and practical terms, and not through groundless proclamations, the good will needed to bring the two communities closer. As a first step, the Turkish authorities could cooperate constructively in resolving with utmost urgency the tragic humanitarian problem of missing persons in Cyprus by proceeding with effective investigations to determine the fate and whereabouts of missing persons. Another gesture of good will on the part of Turkey could be the restoration of the status quo ante in Strovilia, for which Turkish military forces are held responsible.

The Republic of Cyprus is determined to continue to work towards a solution that will meet the hopes and expectations of both communities, for a common future for all Cypriots, free of outside interference. The Republic of Cyprus also remains committed to striving for the economic development, the welfare and the respect of the human rights of all its citizens, in all areas, without discrimination. Despite the difficulties faced by the de facto division of the island, the Government of Cyprus spares no effort in facilitating for Turkish Cypriots their benefit of all services of the Republic, as well as all benefits that Cypriots are entitled to as a result of Cyprus' accession to the European Union.

I would be grateful if the text of this letter would be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

United Nations A/59/858-S/2005/423

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Agenda items 36 and 148

Security Council
Sixtieth year

The situation in the Middle East

Measures to eliminate international terrorism

Identical letters dated 29 June 2005 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I wish to draw your attention to yet another grave incident that occurred today along Israel's northern border with Lebanon.

This afternoon (local time), a cadre of Hizbullah terrorists crossed the Blue Line with the apparent intention of placing explosive charges in Israeli territory near the Har Dov mountain area. Israeli Defense Forces soldiers intercepted the terrorists and were able to thwart the planned larger-scale attack. In the exchange of fire that ensued, three soldiers were wounded.

Parallel to that incident, Hizbullah launched a barrage of mortar shells against Israeli positions in the area, resulting in the death of one Israeli soldier and the wounding of three soldiers. These incidents constitute flagrant violations of the Blue Line.

Today's grave incident was one of many recent cross-border attacks by the Hizbullah terrorist organization based in Lebanon. As we have repeatedly stressed during past weeks, and as can be understood from the menacing declarations made by the organization leaders, the Hizbullah terrorist organization is trying to escalate tensions along Lebanon's border with Israel. All this comes against the backdrop of various efforts of the Government of Lebanon and the international community to promote a positive and more stable reality in Lebanon.

The attack that Hizbullah carried out today was thus not only directed against Israel but also against the international community, against the people of Lebanon and against all those who support the recent positive developments towards democratization in Lebanon. Israel expects the Government of Lebanon, which it holds responsible for any such activity occurring within its territory, to take immediate action to disband and disarm all Lebanese and non-Lebanese terrorists operating in Lebanon.

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The Government of Israel calls once again upon the international community to see to it that the Government of Lebanon meets its obligations under the norms of international law and takes comprehensive and immediate action to restore control over its southern region and prevent any and all future terrorist attacks.

I should be grateful if you would arrange to have the present letter circulated as a document of the General Assembly, under agenda items 36 and 148. An identical letter has been sent to the President of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative

United Nations A/59/859–S/2005/424

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The situation in the Middle East

Security Council
Sixtieth year

Identical letters dated 30 June 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I wish to inform you of the following:

1. Israel continues to carry out its acts of aggression against Lebanon and to violate its sovereignty by land, sea and air. An attempt yesterday afternoon, Wednesday, 29 June 2005, by an Israeli military unit to cross the Blue Line in the area of the occupied Shab'a Farms prompted the Lebanese resistance to thwart and repel it with various types of machine guns and other artillery, whereupon Israel proceeded to shell Lebanese territory in the Kafr Shuba hills and throughout the Shab'a Farms, causing damage to many houses belonging to Lebanese citizens in peaceful zones.

2. At the same time, Israel has stepped up its threats to the resistance and the Lebanese Government. In the early dawn hours on Thursday, 30 June 2005, Israeli aircraft dropped leaflets over Sidon and the southern suburbs near Beirut containing explicit threats to the Lebanese people and Government. The dropping of leaflets by means of aeroplanes over Lebanese lands constitutes yet another act of aggression against Lebanon's sovereignty and the inviolability of its airspace and territory.

3. What took place yesterday afternoon and this morning is in flagrant violation of Security Council resolution 425 (1978) and of international law and constitutes a threat to peace and security in the region. It requires the application of the utmost international pressure on Israel to put an end to such practices and to ensure respect for Lebanon's sovereignty, independence and territorial integrity. Israel will have to take responsibility for such acts of aggression.

I request you to have the present letter distributed to the members of the Security Council and issued as a document of the Council under the item on the situation in the Middle East.

(*Signed*) Ibrahim **Assaf**
Chargé d'affaires a.i.

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